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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD C. WOJEWODZKI,

Plaintiff

v.

CONSOLIDATED FREIGHTWAYS,
INC.,

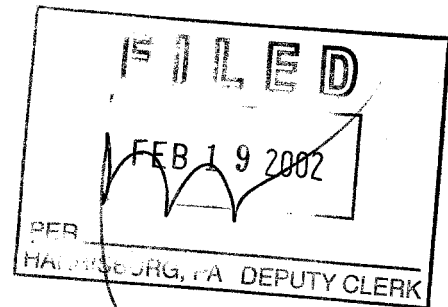
Defendant

CIVIL ACTION NO. 1:CV 01-285

JUDGE SYLVIA H. RAMBO

JURY TRIAL DEMANDED

SUPPORTING DOCUMENTS TO
CONSOLIDATED FREIGHTWAYS CORPORATION'S
STATEMENT OF UNDISPUTED MATERIAL FACTS



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Dated: February 19, 2002

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICHARD C. WOJEWODZKI,	:	CIVIL ACTION NO. 1:CV 01-285
	:	
Plaintiff	:	
	:	
v.	:	JUDGE SYLVIA H. RAMBO
	:	
CONSOLIDATED FREIGHTWAYS,	:	
INC.,	:	
	:	
Defendant	:	JURY TRIAL DEMANDED

**SUPPORTING DOCUMENTS TO
CONSOLIDATED FREIGHTWAYS CORPORATION'S
STATEMENT OF UNDISPUTED MATERIAL FACTS**

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Exh A
COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD C. WOJEWODZKI,
PLAINTIFF

VS

CONSOLIDATED FREIGHTWAYS, INC.,
DEFENDANT

:
:
:
:
:
:
:

NO. 1:CV01-285

DEPOSITION OF: PETER J. FERGUSON

TAKEN BY: PLAINTIFF

BEFORE: SHERRY BRYANT, RMR, CRR
NOTARY PUBLIC

DATE: JANUARY 8, 2002, 10:15 A.M.

PLACE: MORGAN, LEWIS & BOCKIUS
417 WALNUT STREET
HARRISBURG, PENNSYLVANIA

APPEARANCES:

MARKOWITZ & KREVSky, P.C.
BY: LAWRENCE S. MARKOWITZ, ESQUIRE

FOR - PLAINTIFF

MORGAN, LEWIS & BOCKIUS
BY: VINCENT CANDIELLO, ESQUIRE

FOR - DEFENDANT

1 operations manager, the same position, just a title change.

2 I stayed in that capacity until 1990. I was
3 promoted to the division manager in Columbus, Ohio. 1994,
4 the company went through a restructure and we closed a
5 division, which was -- had prior been called the Akron
6 division, combined it with the Columbus division, and I ran
7 that combined division and we kept the name Akron and dropped
8 the Columbus division code.

9 I stayed as the Akron division manager until
10 late 1998. I took the division manager job in the
11 Mid-Atlantic division, which is headquartered in York,
12 Pennsylvania, and moved to York. I held that position until
13 October -- no, March, excuse me. I think it was about March
14 of 2000, I was promoted to the vice-president of eastern
15 region. Eastern region at that time was one of three regions
16 in the company and my territory ran from Monkton, New
17 Brunswick, all the way down to the Caribbean. I had the
18 eastern seaboard, including Pennsylvania.

19 And then in October of last year, we
20 restructured the company again and dropped all of the
21 divisions, replaced a number of those divisions with regional
22 vice-presidents jobs, and I stayed in Atlanta in the capacity
23 of southeast region vice-president.

24 Q When you were the district manager operating
25 out of York, what were your duties as division manager?

1 interstate.

2 Q At some point was Richard Wojewodzki the
3 assistant terminal manager at Carlisle while you were
4 stationed in York?

5 A I believe he was -- he held that capacity upon
6 my arrival. One of two assistant terminal managers in the
7 terminal.

8 Q So there were two in that terminal in -- he
9 was in Carlisle; right?

10 A Yes, he was. And the Carlisle had two
11 assistant terminal managers, one responsible for the
12 operations side, meaning the dock, and general cartage, and
13 the other for the line haul functions.

14 Q And who was responsible for the dock?

15 A Tom, Tom, his last name escapes me. Tom's now
16 the terminal manager I believe over in Reading, Pennsylvania.
17 I -- his last name escapes me right now.

18 Q No problem. And who was responsible for line
19 haul?

20 A Dick.

21 Q And who was the terminal manager itself at the
22 time?

23 A When I first came there, it was Richard
24 Conley. Shortly after my arrival, Richard was promoted to
25 the division manager position in Kansas City, Missouri, and I

1 selected Jeff Rice to take the position that he vacated.

2 Q Can you give us an approximate date when Mr.
3 Rice would have taken over as terminal manager in Carlisle?

4 A The first part of January of '99 is a guess.
5 Maybe the latter part of '98. The date escapes me. But it
6 was virtually within a month of my coming there.

7 Q At some point a decision was made to move Mr.
8 Wojewodzki out of the position of assistant terminal manager
9 at Carlisle; correct?

10 A That is correct.

11 Q Who made that decision?

12 A Well, I was certainly party to that decision.
13 I made that decision with some feedback from Jeff Rice. So I
14 guess it would have been my decision initially, but with some
15 input from Mr. Rice.

16 Q And when did you make the decision?

17 A I don't recall the date.

18 Q Tell me --

19 A I want to say late summer '99.

20 Q Why did you decide to move Mr. Wojewodzki out
21 of Carlisle?

22 A Well, I was frustrated in that we were making
23 little or no progress in several of the areas I asked him to
24 specifically work on enhancing. One was the recruitment and
25 training of supervisors to fill some openings that we had.

1 Consequently, attrition was a -- had been and remained a huge
2 issue through the first seven months that I was there or
3 eight months that I was there prior to his removal.

4 As a result of that and my observations, I
5 felt he lacked a lot of leadership skills that I was looking
6 for in a position that critical. And I'm going to say this
7 about that position. Assistant terminal managers, in my
8 opinion, and I was one, are not lifetime jobs. They're very
9 difficult jobs, but they are the stepping stone to having
10 somebody move to the next step. And in order to train people
11 to run operations the size of Carlisle and become division
12 managers and vice-presidents, they need to go through that
13 phase of being assistant terminal manager. It's very
14 critical to their growth.

15 Because of the lack of leadership I saw in
16 Dick, I didn't believe he was going to ever be able to take
17 the next step, and consequently I didn't think he was
18 fulfilling all of the things I was looking for in an
19 assistant terminal manager.

20 Q Were there any other reasons for the decision
21 to move him?

22 A Well, the objectives that he had been given,
23 goals, were certainly not being attained at the level that we
24 were looking for. And I would say those are the primary
25 reasons.

1 Q What type of goals are we talking about?

2 A Everything from recruitment of both
3 supervisors and transport operators to penalty pay and cost
4 containment and even some improvements that we had asked to
5 see in the yard in hostling. So I wasn't seeing what I had
6 hoped for and what I had experienced at other locations I've
7 been at.

8 Q Can you tell me about what the problem was
9 with the yard and hostling?

10 A Well, we saw no dramatic changes in
11 productivity in the yard. There was no organization to how
12 we handed out hooks. There was equipment lacking when I got
13 there, and once I started checking around I found we were
14 lacking some of the tools I thought was necessary to be
15 effective.

16 One of the big keys was radios so we could
17 have two-way communication with people in the yard. We had
18 issued radios and over time people had either stole them or
19 destroyed them, thrown them away, and nobody had bothered to
20 replace them. That was Dick's responsibility. And so there
21 was a huge gap in the communications level between line haul
22 and the people working in the yard that were his
23 responsibility.

24 Q What is hostling?

25 A Hostling is the actions that take place in our

1 instance?

2 A Yes. A much smaller yard, much more
3 compressed yard in York, not as much travel time, not as many
4 trailers to look through, much different operation.

5 Q Okay. You also mentioned that another issue
6 with Dick was the issue of penalty pay. Could you tell me
7 what penalty pay is?

8 A Yes. It's a form of compensation we give to
9 our drivers for failing to have their loads ready as they
10 walk through the door. So when we give them a work call and
11 they show up, if they have to wait for a load, they get
12 penalty pay. It can be called wait pay, it can be called a
13 lot of things, but it's a penalty that we incur for not
14 having the driver ready to go upon his arrival.

15 It can be at origin, destination, or en route.
16 If he has to make a meet and turn with somebody in a remote
17 location, if he has to wait for the other driver, we pay him
18 for that time spent.

19 Q And how does the assistant terminal manager
20 influence the penalty pay rates?

21 A Well --

22 MR. CANDIELLO: Objection to form. There has
23 already been identified by this witness two assistant
24 terminal managers. Which one are you talking about at this
25 location, at Carlisle?

1 BY MR. MARKOWITZ:

2 Q I assume it's the line haul assistant terminal
3 manager who has the ability to influence penalty pay; is that
4 correct?

5 A That is correct.

6 Q Does the other assistant terminal manager have
7 the ability to influence penalty pay?

8 A Absolutely could, yes.

9 Q How could the other ATM influence it?

10 A Well, it's the ATM, the operational ATM's job
11 to have trailers closed and available for line haul. If he's
12 not executing on the dock and getting boxes closed late, that
13 could, in turn, mean a late hook and a late dispatch and
14 penalty pay.

15 So -- but the fix is squarely on the shoulders
16 of the dispatch operation manager or ATM in charge of
17 dispatch. It's his responsibility to make sure the dock is
18 cut and timely. It's his responsibility to make sure that
19 his people are trained to call people based on the proper
20 ETAs and to make sure the yard's efficient enough to have the
21 hook done by the time the guy gets there. That's the
22 responsibility of the dispatch operation managers and ATMs in
23 every location in our system.

24 Q And as far as penalty pay goes, how do you
25 measure penalty pay?

1 A Like hostling, you can look at cost or you can
2 look at a number I look at which I think is a better
3 indicator for me is the actual minutes, average minutes per
4 dispatch incurring penalty pay on. So there's -- again, it's
5 formatted to an operations manager several ways, but
6 generally it's either in minutes per dispatch or in total
7 time spent. Either way, at the end of the day it's how
8 much -- how many dollars you've spent in compensation to
9 dispatch X amount of trailers.

10 Q What percentage of your loads do you expect
11 that you'll have to pay penalty pay on?

12 A I expect none.

13 Q Is that a realistic expectation?

14 A No, but that's what I expect. I mean the
15 goals are set on previous year experience. I expect that to
16 improve even slightly from year to year in any case. There's
17 really no reason to expect any deterioration unless there's a
18 significant change in either the operation or the contract,
19 which we haven't experienced.

20 Q And when you say the contract, you're talking
21 about a union contract with the drivers?

22 A Yes, yes, a work role change that may affect
23 the numbers. And I can't think of anything that falls under
24 that category in Carlisle or any other place in the system
25 over the last five years.

1 Q Realistically, what percentage of your loads
2 are going to be subject to penalty pay?

3 A Quite frankly, that varies from location to
4 location and it varies by the time of the year. Weather is
5 always a factor, even heat, depending on where we're at.
6 But -- so I'd have to be specific by location and, again, I'd
7 have to just say that if you look at the history of a
8 location, especially over a two- or three-year period, you'd
9 be looking for consistent improvement.

10 And those improvements don't have to be
11 quantum leaps. We look for a small improvement, at least
12 enough to offset the increase in labor cost that we incur on
13 the contract year to year.

14 Q The other thing you said you had concerns
15 about was Dick's leadership skills. Tell me about that.

16 A Well, I had very little contact with Dick
17 prior to my coming here, so my perception of Dick coming in
18 was pretty fresh. I mean I had nothing to be overly
19 concerned with, but like most managers I did ask, you know,
20 other people, my boss especially when I took that position,
21 where we were having problems and where we were having some
22 successes. And there had been some concern over the line
23 haul operation prior to me coming there.

24 Q Who told you that? I'm sorry.

25 A Pat Brady would have been one of the people

1 that expressed some concerns that we were showing some -- a
2 lack of growth in penalty pay and that we were also
3 experiencing a tremendous turnover problem. But when I
4 arrived, I met Dick face to face for one of the first times.
5 I think Dick and I crossed paths maybe a couple of times
6 prior to that at some meetings, but I don't think I ever
7 spent any great deal of time with Dick prior to coming here.

8 So, you know, preconceived notions, very
9 little. And certainly wasn't in a position where I wanted to
10 make any changes based on hearsay or anything else. And with
11 the change in the terminal manager's job, meaning Rice, I
12 needed the stability of people that had been there to help
13 through that transition.

14 So the first thing we -- I looked at from Dick
15 was how well he handled the people that worked for him,
16 because there was an attrition problem. And I found that
17 Dick was hard to approach would be a way of putting it. I
18 mean he wasn't a very people person in terms of sitting down
19 with employees and giving them constructive criticism on how
20 to make improvements, team building. And it was pretty
21 evident that that was one of the shortcomings we had with our
22 attrition problem.

23 I talked to supervisors that as they left the
24 company in exit interviews and while I was there, and there
25 was a consistent concern from them that they couldn't get

1 A Well, we had talked from the first time I put
2 him in that position about every nuance of the operation from
3 the dock side to line haul. And so over that period of time
4 between the time Jeff came on board and the time we made the
5 decision to change him, there had been some conversation
6 about issues that we found to be a problem in line haul.

7 So I think it was a collective nature of Jeff
8 agreeing with me, not one specific issue but a number of
9 issues, and Jeff saw some of the same shortfalls that I had
10 seen. And, you know, as we made changes and Jeff took a
11 little greater role in some of the things that went on in
12 line haul, we found that -- or it was my opinion I should
13 say, not we found, I found and my opinion was that there was
14 opportunity to make some improvements, but they weren't going
15 to happen under Dick's leadership.

16 Q Now, Dick reported to Jeff, though; correct?

17 A Yes. Yes, he did.

18 Q Did you ever have a discussion with Mr. Rice
19 that you were disappointed in him that he was not able to get
20 better performance out of Dick?

21 A Several times, yes.

22 Q Would that have been before or after Dick left
23 there?

24 A Probably on a regular basis. Every time we
25 talked about line haul, I'm sure I had a conversation with

1 to change his title or cut his pay. It wasn't an issue of
2 punishing him financially. It was an issue of getting a
3 round peg in a round hole, so to speak, and get Dick to where
4 he could be productive in my mind and get a person into the
5 line haul operation that could start to fulfill the duties
6 that I felt Dick should have been doing while he was there.

7 Q And how did he do in Norristown?

8 A To my knowledge, from the time he was
9 transferred to present, I haven't heard of any complaints of
10 his performance to speak of. I left not long thereafter,
11 kind of lost touch of what Dick was doing and what he was
12 assigned to, but in the short term he was in Frank Soper's
13 supervision and the little time that I was around while he
14 was back up in York, I didn't hear any real negatives about
15 Dick's performance.

16 Q After Norristown where did Dick go to?

17 A I think he did -- I think he helped us out a
18 little bit in Philadelphia once we went down there. I think
19 he worked there a few weeks. And -- but ultimately he ended
20 up back in York, Pennsylvania. York was a small domicile of
21 road drivers when I first came on board of about 40 drivers.

22 Over time I was -- I felt strongly that we
23 didn't need two driver boards that close together and that
24 they could be managed from one central location, meaning
25 Carlisle. However, York was still a reship center. They

1 of the job they held, so there was consistency from state to
2 state and point to point in the country over how we
3 administered salaries.

4 So it wouldn't have mattered who made the
5 decision. It was primarily policy that would have driven
6 that change once he had a title change. And I didn't change
7 his title initially, so we didn't change his salary.

8 Q When Dick was moved from Carlisle to
9 Norristown, was a new ATM named?

10 A Yes. He was replaced with Jim Kot. And if
11 I'm not mistaken, there was at the same time some title
12 changes, but the actual duties were the same. He, "he"
13 meaning Dick, left the same job that Jim Kot took over as far
14 as duties and responsibilities go.

15 Their titles changed simply because we were
16 going through a change in the system from terminal dispatch
17 to some regional dispatches, so the name changed from either
18 ATM in charge of dispatch in some cases or DOM, which was a
19 dispatch operations manager's job. Those in a few locations,
20 and I think it was only in Carlisle and Chicago, there might
21 have been a similar position in the west, but those became
22 regional operation manager titles but the same capacity.

23 Q Did Pat Corson pick up any of Dick's duties?

24 A I don't know what he was assigned to do. His
25 title changed, but -- I mean he went from assistant DOM to a

1 get authority to hire additional supervisors at that time?

2 A Yes.

3 Q So it really wasn't a problem with Pat Brady?

4 A No. I think that Gail was -- had seen a
5 consistent pattern that we challenge people in the field for
6 any additions at any time, whether business is good or bad.
7 So I can only assume that was what she was referring to.

8 Q Okay. Thank you. And she didn't speak to you
9 before she wrote that e-mail --

10 A No.

11 Q -- about what to put in it?

12 A No.

13 Q Do you know how old Jim Kot is?

14 A Specifically, no. I guess he's close to my
15 age.

16 Q And how old is that?

17 A Fifty-six.

18 Q And how old is Pat Corson?

19 A I have no idea.

20 Q Would you believe him to be younger than you?

21 A Oh, yeah.

22 Q By at least 15 years?

23 A Oh, probably.

24 MR. CANDIELLO: Can we take a short break?

25 MR. MARKOWITZ: Sure. That's fine.

1 the turnover rate" --

2 A Where are you at?

3 Q I'm at the bottom of page 2. "Charging Party
4 incorrectly alleges that the turnover rate has not improved
5 since his replacement, there has been a dramatic
6 improvement." My question is, what was the turnover rate
7 that Mr. Wojewodzki had?

8 A Now you're asking me to remember some numbers
9 that I'm not sure I can remember. However, I thought I saw
10 in here a number that was tenfold against the dock, and if I
11 remember the dock had one or two turnovers. So it had to be
12 someplace between 10 and 20 people. But if memory serves me
13 I thought it was like 20 people over a two-year period,
14 something in that vicinity.

15 Q Okay.

16 A And the actual jobs available to fill were in
17 total I want to say 18 positions maybe. So it was more than
18 100 percent turnover of the positions allocated to that
19 function.

20 Q Did you ever sit down with Dick and tell him
21 that you were dissatisfied with his performance?

22 A Absolutely.

23 Q Do you remember on how many occasions that
24 would have been?

25 A No, I can't tell you how many, but I can tell

1 problems.

2 If you go back and discuss that with Pat
3 Corson, I'm sure he'll tell you he did exactly the same thing
4 with Dick. He followed Dick's lead on what his direction
5 should be to certain problems. And he did the same under the
6 guidance of Jim Kot and anybody else that came along after
7 Jim.

8 BY MR. MARKOWITZ:

9 Q How did your turnover in personnel in Carlisle
10 compare to other CF facilities in your district?

11 MR. CANDIELLO: Objection to form. Turnover
12 in what group?

13 MR. MARKOWITZ: Turnover in supervisors.

14 MR. CANDIELLO: Which supervisors?

15 MR. MARKOWITZ: Line haul.

16 MR. CANDIELLO: Okay.

17 A It was the highest I'd ever been associated
18 with.

19 BY MR. MARKOWITZ:

20 Q Did you transfer any other assistant terminal
21 managers to other positions while you were in York?

22 A I don't recall doing that.

23 Q Did you ever specifically tell Dick that you
24 thought his leadership skills were lacking?

25 A Yes.

1 weaknesses of that terminal?

2 A Yes, I did.

3 Q Of the 14 terminals in that division, which
4 did you consider the most important?

5 A Carlisle, without a doubt.

6 Q Why?

7 A Just by the sheer magnitude of the operation.
8 Carlisle impacts every -- or has the ability to impact every
9 single shipment that we deliver on the east coast from
10 Virginia to Maine.

11 Q Why?

12 A Both in and out. Well, it's a central funnel
13 point for all locations to load to. It's the second or third
14 largest terminal in the system, depending on how you want to
15 measure it.

16 So consequently, all the terminals west, on
17 the west side of them who can't make a direct shipment into a
18 terminal, call it Boston, has to send it in to Carlisle to be
19 reshipped into Boston. So we handle in excess of 120,000
20 shipments a month across that dock, which is, by shipment
21 count, the biggest terminal in the system.

22 Q When you say the system, you're saying in all
23 of CF nationwide?

24 A Yes.

25 Q What other terminals were of a similar size at

1 into problems later on, I found that some of them were just
2 communication issues that were creating breakdowns.

3 Q When you selected Jeff Rice to replace Mr.
4 Conley, did you have a similar conversation with him about
5 the Carlisle terminal, about strengths and weaknesses?

6 A Well, I tried to give him my impression of --
7 my very short-term impression of what I thought he was going
8 to have to be able to address, and those issues weren't
9 confined to just dispatch. There was a number of things that
10 we were going through. We were growing the number of
11 shipments going through Carlisle.

12 We were considering closing down some other
13 consolidation centers, which would put more work into
14 Carlisle. And we needed to find a way to make sure we had
15 the capacity to do that. There was door space available and
16 there was no reason why we couldn't bring more work in.

17 The dock side had proven to be pretty
18 efficient in our system. In fact, one of the best costs per
19 hundredweights of handling are in Carlisle. And generally
20 the work force there has a very good work ethic, they are
21 good people. We don't have a great deal of labor problems
22 and it was a good place to grow our company at the right
23 cost.

24 So it was -- he was going to be in a position
25 that was going to require being under the microscope every

1 placed them in the northeast regional dispatch. Do you know
2 why the northeast regional dispatch was placed in Carlisle?

3 A Well, that particular group of terminals that
4 falls into the northeast, which, again, is from roughly
5 Norfolk all the way up into the tip of New England and
6 includes clearance even out of Montreal, about 40 percent of
7 all the shipments in the company come out of that quadrant.
8 They're the heavy industrial east.

9 So the decision was made to take that
10 quadrant, call it a regional center and try to control the
11 drivers a little better from a utility standpoint from that
12 location rather than from what it had been in the past was
13 network control was in California and they were trying to
14 manage the whole country from one single location,
15 California. We felt having somebody local and being closer
16 to the problem, being able to communicate better with the
17 terminals would bring more efficiencies.

18 Q According to Mr. Wojewodzki, he explained to
19 you with respect to some of the problems that he was
20 experiencing that it was this change of the four supervisors
21 or moving the four supervisors into the northeast control
22 center that had an impact on that. Did you accept that as a
23 justification for attrition?

24 A I think when it first happened, it certainly
25 was a justification, but a lot of time had passed from the

1 time that it first happened until even I came along and there
2 was what I felt ample time to recruit and train people to
3 replace those people that he put into the region.

4 And those people in the region were in the
5 same location. Initially they were in a different room but
6 on the same floor and later were all together, and during the
7 heavy periods and vacations they were called on to interact
8 with the rest of the operation and weren't exclusive to just
9 the region.

10 Q Mr. Wojewodzki also --

11 A But I'll say this, they were probably our best
12 guys at the time and it was important we get off the ground
13 in a good manner when they did that. That was long before I
14 got there, so I wasn't part of that decision making process,
15 but I think they did the right thing in putting good people
16 in that operation. I don't think anybody thought that we'd
17 have to struggle so hard to replace them.

18 Q Mr. Wojewodzki has also indicated that there
19 was a scheduling issue that played a role with attrition that
20 dealt with the men working I believe eight days in two weeks
21 rather than seven days in two weeks, which was for the dock.
22 Did you ever have any discussion with anyone about that?

23 A I discussed it with Dick and with Jeff several
24 times.

25 Q Do you recall approximately when you first

1 sometimes create some problems and one of them is vacations.
2 In many places guys on that schedule don't get any vacation.
3 I mean they take vacation, but they have to cover for
4 everybody else. At the end of the day, they don't get any
5 vacation or very little.

6 So it's not -- it never has been an issue with
7 me, because of what appears to be less workdays. I don't
8 believe it to be any less workdays and I had no objection to
9 that schedule.

10 Q When you decided to remove Dick Wojewodzki
11 from the position, attrition was an issue; is that correct?

12 A Oh, absolutely.

13 Q And what did you fault Mr. Wojewodzki on with
14 respect to attrition?

15 A Well, I think there was several things. One
16 was a schedule that would allow people some semblance of a
17 normal social life. And when you post schedules for the
18 dock, for example, who work that same type of schedule, two
19 on/two off, three on/three/off, people know that every other
20 weekend they're going to be off. They can schedule social
21 events with some certainty that they're going to be off.
22 They can, in fact, even switch with somebody that -- and work
23 a different shift for them if they have to attend a
24 graduation or a wedding or things that they have to do to be
25 off for.

1 When the schedules aren't posted and the
2 uncertainty is always there can I get the time off, it
3 created a lot of confusion with front line supervisors. And
4 as I talked to front line supervisors, it was the most common
5 complaint I heard was schedules aren't posted and I can't get
6 a vacation because there's too many people -- too many
7 vacancies. Well, we don't have people to cover for
8 vacations.

9 Q When you say this was a complaint by the
10 supervisors, was this at all of the locations or just --

11 A No, at Carlisle.

12 Q And you said you talked to these folks
13 yourself?

14 A Sure.

15 Q How often would you go to Carlisle at that
16 time?

17 A Probably on average at least once a week.

18 Q And at that point, you would talk to the folks
19 working there?

20 A Yes. And I talked to people as they left,
21 either by phone or through Jeff when Jeff would do an exit
22 interview with them, and ask them what, you know, what was
23 prompting them to leave, was it money, was it -- and very
24 seldom was it money. In almost every case it was they wanted
25 to work some, quote, regular hours, not necessarily days.

1 Q Why wouldn't you hold Jeff Rice accountable
2 for that?

3 A Oh, I did. I mean at the end of the day it
4 was Jeff's responsibility. And that's why Jeff and I
5 collectively made the decision that we had to make a change.

6 Q Why were you holding Dick Wojewodzki
7 accountable for the attrition?

8 A Well, because it was Dick's direct
9 responsibility to hire and fire.

10 Q Does that mean he was responsible for fixing
11 the problem?

12 A Absolutely.

13 Q Did he ever present to you recommendations on
14 how to fix the problem?

15 A Not that I recall. He identified it, but I
16 don't recall him ever having a plan of action to specifically
17 address that. And, as I said in my testimony, I can recall
18 several times asking him how many people have you interviewed
19 this week for openings and been told none.

20 That's why I got Wayne Kennard involved. And
21 I think that was Wayne's first exposure to Carlisle was we
22 needed both drivers and supervisors, and I brought Kennard in
23 to help with that endeavor.

24 And toward the end of Dick's stay at Carlisle
25 I asked Wayne to come in and specifically look at the makeup

1 of the department and what -- interview the guys that were
2 there, ask them, you know, what's been done, what's changed,
3 what their feelings were about the operation in general in
4 terms of them staying around and being satisfied with the
5 quality of the working environment. And that's what Wayne
6 brought back to me, that most of the employees that he
7 interviewed pointed their finger at Dick as being the biggest
8 part of the problem.

9 Q Do you recall why he was pointed out as the
10 problem?

11 A Well, they saw him as the boss and the guy
12 that should have developed schedules, hired replacements and
13 been there to fix their problem. I mean they weren't too
14 concerned about the company and the big picture. They were
15 concerned about their own little sphere of responsibility,
16 and so they saw, and rightfully, they saw Dick as the guy
17 that was the boss.

18 Q Did you ever have any conversations with Mr.
19 Wojewodzki after he had been removed from Carlisle?

20 A I had a quick conversation over in Norristown
21 one day. And then not long before I left Dick wanted to see
22 his personnel file, which I didn't have a problem with, and
23 he came into my office and we chatted for 10 or 15 minutes.
24 So I had a couple of face -- private face-to-face
25 conversations with him afterwards.

1 changed after I tried to help make those changes.

2 Q Did you have to seek approval from anyone
3 before you removed Dick from his position?

4 A Certainly.

5 Q Who did you --

6 A Well, I remember talking -- originally I
7 talked to Kennard to get some input from him, just to kind of
8 verify what my feelings were. I wanted to make sure I hadn't
9 missed anything and I wasn't being biased in how I was
10 reviewing things. But at the end of the day, our policy is
11 we don't demote people, especially long-term employees like
12 Dick, or fire them without talking to our in-house human
13 resource counsel, and that's Wayne Bolio.

14 Q Without getting into any detail of what was
15 said between you and Mr. Bolio, did you make contact with him
16 on this issue?

17 A A couple times, yes.

18 Q There was also an issue raised in direct
19 examination about reducing his pay. You said initially you
20 were not concerned about reducing his pay, but then later you
21 felt you had to.

22 A Well, I think once he got a, quote, permanent
23 assignment and we knew where he was going to be, I was
24 compelled by company policy to pay him at 120 percent. I
25 mean I paid him the highest amount I could pay him in that

1 position, period. So pay wasn't really the issue with me.

2 And I -- again, I was concerned about getting
3 things fixed at Carlisle and I guess you could guess or
4 second-guess yourself, but had Dick, for example, gone down
5 to Baltimore, the Baltimore terminal manager's job would have
6 probably been on par with his salary and he wouldn't have
7 taken a salary adjustment at all, but that didn't work out.
8 And where he went and the position he filled required me to
9 follow policy and reduce him to 120 percent of midpoint.

10 Q At those larger terminals where there was a
11 regional dispatch activity, was the person involved and
12 responsible completely for line haul eventually turned into a
13 regional dispatch manager, as far as you know, for example,
14 at Chicago?

15 A As far as I know. And I don't know that they
16 all were ATMs. I mean there's an awful lot of guys that
17 handle some pretty good size regional dispatch centers that
18 are still DOMs. So it was more of a local decision of sorts
19 of what their actual title would be. Like I say, again, in
20 the three locations that are comparable, meaning Chicago,
21 Mira Loma and Carlisle, the guys in charge of line haul had
22 ATM job titles.

23 Q From Exhibit 2 of Deposition Exhibit 1 in this
24 case, which is the promotion of Mr. Kot, did you know Mr. Kot
25 before he was rehired at CF?

COPY Exh B

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD C. WOJEWODZKI, :
PLAINTIFF :
VS : NO. 1:CV01-285
CONSOLIDATED FREIGHTWAYS, INC., :
DEFENDANT :

TELEPHONE
DEPOSITION OF: MARK A. BUNTE

TAKEN BY: PLAINTIFF

BEFORE: DONNA J. FOX, REPORTER
NOTARY PUBLIC

DATE: JANUARY 16 2002, 3:15 P.M.

PLACE: MORGAN, LEWIS & BOCKIUS
417 WALNUT STREET
HARRISBURG, PENNSYLVANIA

APPEARANCES:

MARKOWITZ & KREVSky, P.C.
BY: LAWRENCE S. MARKOWITZ, ESQUIRE

FOR - PLAINTIFF

MORGAN, LEWIS & BOCKIUS
BY: VINCENT CANDIELLO, ESQUIRE

FOR - DEFENDANT

1 job performance?

2 A Yes.

3 Q When did those concerns begin?

4 A Approximately late '95, into '96.

5 Q What were the nature of those concerns, sir?

6 A At Carlisle, the facility that he worked in
7 was extremely important to the CF system and a location that
8 if they have trouble, it was trouble for the whole system.

9 Q What was the trouble that they were having?

10 A Timely movement of freight, driver retention,
11 penalty pay.

12 Q How was Mr. Wojewodzki involved in that?

13 A I believe in the time period that you're
14 asking about, '95, '96, there were two managers responsible
15 for line haul and he was one of those managers.

16 Q Were you only dissatisfied with Mr. Wojewodzki
17 or were you satisfied with the other as well?

18 A I think later on we made a change and went
19 from two to one to see if that would correct the problem.

20 Q And did it?

21 A I don't recall if it was something that
22 happened right away. The operation has evolved a little bit
23 from that time.

24 Q At any time did you express concerns to those
25 junior to you in rank about Mr. Wojewodzki's performance?

COPY Exh C

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD C. WOJEWODZKI,
PLAINTIFF

VS

CONSOLIDATED FREIGHTWAYS, INC.,
DEFENDANT

NO. 1:CV01-285

DEPOSITION OF: JEFFREY L. RICE

TAKEN BY: PLAINTIFF

BEFORE: DONNA J. FOX, REPORTER
NOTARY PUBLIC

DATE: JANUARY 16, 2002, 1:00 P.M.

PLACE: MORGAN, LEWIS & BOCKIUS
417 WALNUT STREET
HARRISBURG, PENNSYLVANIA

APPEARANCES:

MARKOWITZ & KREVSky, P.C.
BY: LAWRENCE S. MARKOWITZ, ESQUIRE

FOR - PLAINTIFF

MORGAN, LEWIS & BOCKIUS
BY: VINCENT CANDIELLO, ESQUIRE

FOR - DEFENDANT

1 A Yes, '96, exactly.

2 Q When you came back to Carlisle, at that point
3 you came back as his supervisor, is that correct?

4 A Correct.

5 Q Before that had you ever been his supervisor?

6 A No.

7 Q Who informed you that you were being promoted
8 from Lorton and Manassas to the Carlisle facility?

9 A Pete Ferguson.

10 Q What was his job at the time?

11 A Division manager.

12 Q Do you know if anyone else -- was this
13 something you applied for or you were asked if you wanted
14 the job?

15 A I was asked did I want the job. I had to
16 interview for it.

17 Q Who did you interview with?

18 A Pete Ferguson.

19 Q Anyone else?

20 A No.

21 Q You didn't have to interview with Mark Bunte
22 at all?

23 A No.

24 Q So you came back to Carlisle and that was in
25 the GOM position?

1 A Correct.

2 Q What does the GOM do?

3 A GOM, the title means group operation manager
4 and basically you're responsible for the facility and the
5 operations and the personnel within.

6 Q As far as direct reports goes, you would have
7 two ATMs, correct?

8 MR. CANDIELLO: Objection to the form of the
9 question. When?

10 MR. MARKOWITZ: When he came back to Carlisle.

11 A When I came back to Carlisle, yes, there was
12 an ATM on the dock and an ATM in line haul.

13 BY MR. MARKOWITZ:

14 Q Who were they?

15 A Tom Larson was the ATM on the dock, and Dick
16 was ATM in line haul.

17 Q Did you have any other direct reports aside
18 from either of them at that time?

19 A Direct reports? What are you saying?

20 Q Who reported to you.

21 A I thought you meant like a report to hand in.

22 Q No. Anybody else who reported to you directly
23 aside from your two ATMs at that time?

24 A Everybody who would work there would
25 essentially report to me. But we had layers where you had

1 to you that he had any problems with how Mr. Wojewodzki was
2 handling the line haul ATM at Carlisle?

3 A Yes.

4 Q Can you tell me what he told you?

5 A He told me when you go back there, you're
6 going to have to try to get line haul together because it's
7 not running real well.

8 Q Did he tell you what was not running well?

9 A Basically -- he didn't get specific -- it's
10 just that we have a lot of problems in line haul.

11 Q Did he make any specific recommendations to
12 you as to what could be done to improve line haul?

13 A No. He did make a statement just to say when
14 you get there, see if Dick is the right person for the job.

15 Q Did he give you any goals that he wanted you
16 to achieve?

17 A Penalty pay.

18 MR. CANDIELLO: Let me make sure I understand
19 your question. Your question goes to line haul only?

20 MR. MARKOWITZ: Correct.

21 A I'm trying to remember. The only thing I can
22 remember is penalty pay.

23 BY MR. MARKOWITZ:

24 Q What is the goal that he wanted you to achieve
25 with respect to penalty pay?

1 A Back then I think the penalty pay was 16, I
2 think 16 minutes. It's been reduced since so I'm not sure.

3 Q Any other goals that he gave you?

4 A Yes. There was a recommendation that we need
5 to fix the supervisor retention.

6 Q What did he say about the supervisor retention
7 during this conversation?

8 A I think that in the period of three years we
9 lost 23 supervisors. And we can't afford to keep hiring and
10 training new supervisors; we need to be able to keep them.

11 Q Anything else that he gave you in way of goals
12 before you went back up to Carlisle as the GOM?

13 A Not that I can remember.

14 Q Did he express any concerns over how
15 Mr. Larson was doing his job?

16 A No, he didn't.

17 Q Did he give you any goals as to the dock
18 operation as to what he wanted done?

19 A Yes, he did.

20 Q What did he tell you?

21 A Basically our low-factor goal and our bills
22 per-hour goal.

23 Q He wanted to see them improve?

24 A Yes.

25 Q When you got there and took over as GOM, did

1 you sit down with Dick and discuss any concerns with him
2 that...

3 A Are you done?

4 Q Yes.

5 A I thought you were still asking a question.

6 Q I was done. I wasn't sure if I was done, but
7 I was done.

8 A Yes, I did.

9 Q Would anyone else have been present aside from
10 the two of you?

11 A No. I was just very personal, and I told him
12 what we had to do and things we need to get done.

13 Q Tell me to the best of your knowledge when you
14 had this conversation.

15 A To the best of my knowledge, I remember
16 sitting down talking to Dick and telling him, you know, our
17 penalty pay, we got to reduce our penalty pay; I know it's
18 not going to happen overnight but there's things we have to
19 do and put in place. And I said I have to learn a lot more
20 what's going on; and also, can you tell me what the problem
21 is and why so many people are leaving, why can't we keep any
22 supervisors.

23 MR. CANDIELLO: The question he asked was when
24 did that happen.

25 A I thought you asked to the best of my

1 A I really can't answer that.

2 BY MR. MARKOWITZ:

3 Q Did you have that problem in Lorton or
4 Manassas?

5 A No.

6 Q Did he indicate why he couldn't get good
7 people?

8 A No.

9 Q Did you give him any suggestions on what he
10 needed to do to stop attrition?

11 A We talked about it. What I did is talked to a
12 lot of the supervisors to try to find out what the problem
13 was. Some of the people I even talked to who had left, I
14 asked them if they would come back or what the problem was.

15 Q This, I take it, was not done over your first
16 week?

17 A No.

18 Q It was done over a period of time?

19 A Yes.

20 Q As you grew into the GOM job there, did you
21 see any other problems with Dick other than the two that
22 Mr. Ferguson had identified to you, the penalty pay issue
23 and the attrition issue?

24 A Yes. I seen a problem with being able to
25 communicate.

1 Q Absolutely nothing?

2 A No. You said did he take any action?

3 Q Yes.

4 A No. Did I ask him to?

5 Q Yes.

6 A Yes.

7 Q What did you ask him to do?

8 A I told him to give me a plan of action how we
9 were going to be able to reduce the penalty pay.

10 Q Do he do that?

11 A Initially, no. And then I kept asking him and
12 he finally got me a plan of action.

13 Q What was that plan of action?

14 A I can't remember.

15 Q Was it followed through?

16 A No.

17 Q To your recollection did you even think that
18 that plan of action had a chance of success?

19 A What I told him -- to answer your question,
20 no, because I had to go to Pete Ferguson and ask for the
21 authority to hire more people.

22 Q Wasn't Carlisle understaffed, though, at any
23 time anyway?

24 A Yes.

25 Q Were you asking to hire more than just the

1 Q As far as the retention issue goes, did
2 Mr. Wojewodzki provide you with a plan on that issue?

3 A Yes, he did give me a plan on that, also.

4 Q Did he give you one right away; or did you
5 have to pull teeth on that one, also?

6 A I pulled teeth on that one, also.

7 Q Do you remember what the plan he gave you was?

8 A The plan had to do with training,
9 communicating with the supervisors and to supply them with a
10 schedule that would benefit their way of life.

11 Q Was any of that adopted?

12 A The training never came into being. The
13 schedule came but it came like on a two-week interval or
14 three-week interval, which is not what I wanted. I wanted
15 them to be able to plan their life.

16 Q What was the interval you wanted it to be on?

17 A At least six months. I told him at least six
18 months.

19 Q You told that to Dick?

20 A Yes.

21 Q Anything else on the retention plan that
22 occurred or didn't occur?

23 A No. That was it. Really, nothing occurred.

24 Q Was retention in some way hurt by the forming
25 of the Northeast Service Center and having to send line haul

1 Q What happened to them?

2 A I sent the e-mail to Dick. And I didn't send
3 it as though I was planning to do something. I sent it for
4 him to get something done. So I don't know what happened to
5 the e-mail. I mean I didn't keep it. I just sent it to
6 him.

7 Q You wouldn't keep a copy when you would send
8 that?

9 A No.

10 Q You also spoke with him in person?

11 A Yes.

12 Q Are you able to tell me approximately how many
13 times you met with him in person to express your
14 dissatisfaction?

15 A I wouldn't be able to put a number on it.

16 Q Would it be more or less than five?

17 A It would be more than five.

18 Q Are you able to tell me what you told him in
19 these conversations that you were dissatisfied with?

20 A We had a conference call every morning at
21 8:00. And on that conference call, we had to discuss our
22 operation, our dock and our line haul operation. Usually
23 every day we would have a problem that we didn't do
24 something in the line haul. So after the conference call,
25 we usually talked we have to get this fixed or we have to

1 get that fixed. We can't come up on a call every day and
2 not know the answer to these questions.

3 So every day we talked and every day we were
4 in the same room during the conference call. So there was a
5 lot of issues that weren't done behind closed doors with
6 just him and I. Even some of the other supervisors were in
7 the room. But it was done as a team concept this is what we
8 have to do, we have to get this done.

9 Q Did you ever pull him aside at anytime
10 privately to let him know of your displeasure with how he
11 was doing his job?

12 A Yes.

13 Q Could you describe those conversations?

14 A Basically, it's the same thing, Dick, I asked
15 that you give me a plan of action, we have to follow through
16 with it; or when are you going to get the supervisors'
17 schedules done so the supervisors know when they're going to
18 be able to take vacation or know when they're going to be
19 off; we need to get these things done; we need to make sure
20 that when we get on the call, we have our I's dotted and our
21 T's crossed. It was basically that type of conversation.

22 Q Did you ever tell Dick that his job was in
23 jeopardy if things didn't improve?

24 A Yes. And I even worded it as our job is in
25 jeopardy.

1 Q Meaning both you and him?

2 A Right.

3 Q Were you receiving heat from Pete Ferguson
4 about this?

5 A Yes.

6 Q What kind of heat were you receiving from him?

7 A One of the things that was said that I
8 particularly didn't care for was, you don't want to be known
9 as the person who almost fixed Carlisle.

10 Q That's something Pete said to you?

11 A Yes.

12 Q Anything else that Pete said that you took as
13 being pressure being put on you as well?

14 A Oh, yeah, there was pressure all the time that
15 you have to get it done, you have to get it done. And if
16 it's not you, then whoever is working for you.

17 Q Did you ever receive any pressure from anyone
18 above Mr. Ferguson regarding the line haul operations in
19 Carlisle while Dick was there?

20 A Yes, there was pressure. It was indirect, but
21 I knew where it was coming from.

22 Q Tell me about it.

23 A It was from Mark Bunte because Mark Bunte was
24 -- I guess at that point he was vice president of
25 transportation, which line haul was under his jurisdiction.

1 Q What was he doing to put indirect pressure on
2 you?

3 A Basically he has already said that is Dick the
4 right person for the job, can he get the job done. And at
5 that point, I said, well, what I need to make sure is that
6 we have proper staffing and I need to get some more
7 supervisors to give him an opportunity to make sure he can
8 get the job done. That's what I went to Pete Ferguson for,
9 the extra supervisors.

10 Q Did you ever speak with Dick about his
11 communication skills?

12 A Yes.

13 Q Tell me about those conversations.

14 A I talked to Dick. I said, I've talked to a
15 lot of supervisors and they don't like coming to you for
16 questions, they don't like coming to you to ask you anything
17 because of your demeanor, so they can't learn, because
18 although Dick is knowledgeable, he wasn't able to train or
19 to communicate. And he even told me on different occasions
20 he's going to work on it, that he's going to get better at
21 communicating.

22 Q Who made the decision to transfer Dick out of
23 Carlisle?

24 A Pete Ferguson.

25 Q Tell me how the decision was arrived at to the

1 A His title did change.

2 Q What did his title change to?

3 A His title changed to DOM because of the
4 restructuring of the line haul configuration.

5 Q Did Mr. Kot have the same title as
6 Mr. Wojewodzki had?

7 A No, because we took the ATM out of line haul
8 operations throughout the company and what they replaced
9 them with was called regional operations managers. So he
10 was an ROM. It was a new title. No one ever had that
11 before. But it took the place of the ATM.

12 Q Did Mr. Corson's duties change in any way from
13 when Mr. Wojewodzki was transferred to when he received his
14 new title?

15 A No.

16 Q He kept on doing the same thing with just a
17 different title?

18 A Exactly.

19 Q How about Mr. Kot, did he pick up additional
20 responsibilities?

21 A Yes, he did. He was responsible for the line
22 haul operation and the regional dispatch.

23 Q Did Mr. Corson in any way report to Mr. Kot?

24 A He reported directly to Mr. Kot.

25 Q What were his job duties, Mr. Corson's job

1 duties?

2 A Just the basic fundamentals of the operation:
3 Make sure everything was running right and reporting to Jim
4 any problems he might have had. Basically a lot of times,
5 he would just fill in for different supervisors, also.

6 Q That was his job when he worked under
7 Mr. Wojewodzki, also?

8 A Exactly.

9 Q You mentioned that you talked to various
10 employees about Mr. Wojewodzki and their thoughts and
11 feelings about him. What did that reveal to you?

12 A That's where I got the information that his
13 communication skills lacked. I had supervisors come to me
14 in private to my office and let me know their concerns about
15 the line haul operation.

16 Q Such as who?

17 A Some of the supervisors are no longer there.
18 Chris Farland, Steve Sheaffer. I'm trying to think of some
19 of the names. Ronnie Polovac. Just about -- maybe about
20 four different people came to my office and just expressed
21 their concern.

22 Q Did you ever observe Mr. Wojewodzki
23 communicate inappropriately towards one of his employees?

24 A Yes.

25 Q Can you give me an example of what you

1 observed?

2 A What I observed was him being short,
3 quick-tempered. And what it revealed to me was I don't have
4 the time to talk to you. So it kind of turned the guys
5 off. When they needed to go to him, they just didn't go to
6 him.

7 Q Who did they go to instead?

8 A Pat.

9 MR. CANDIELLO: Pat Corson?

10 A Yes.

11 BY MR. MARKOWITZ:

12 Q Who was charged with the responsibility of
13 telling Mr. Wojewodzki that he was being transferred?

14 A I was.

15 Q Do you remember what day you did that?

16 A I'm thinking. And to the best of my memory,
17 it was a Thursday.

18 Q Tell me to the best of your recollection what
19 was said by you and by Mr. Wojewodzki in that conversation.

20 A First, I asked Dick to come over to my office
21 because I discovered that he was in the line haul building,
22 which I didn't know -- he wasn't supposed to be at work that
23 day. And I was already in the process of trying to get a
24 hold of him. So I said could you stop over here.

25 When he stopped over there, I told him, I

1 Q Did you provide him with the name of someone
2 who could answer that question?

3 A I told him that Pete would be in there on
4 Tuesday and Pete was going to talk to him on Tuesday.

5 Q But that was something that came up in the
6 transfer meeting?

7 A Yes.

8 Q Since the time of his transfer, has
9 Mr. Wojewodzki ever come under your supervision again?

10 A No.

11 Q After the transfer was made, who did Jim Kot
12 end up supervising?

13 A He supervised everyone in the line haul
14 operation.

15 Q Who did Pat Corson supervise?

16 A Everybody below him. He reported to Jim.

17 Q Do you know a Wayne Kennard?

18 A Yes.

19 Q What is his position?

20 MR. CANDIELLO: Today?

21 MR. MARKOWITZ: Yes, today.

22 A Human resource manager.

23 BY MR. MARKOWITZ:

24 Q How about at the time of Dick's transfer, what
25 was his position?

1 Q Was he there while Dick was there and you were
2 there?

3 A Who, Richard Pena?

4 Q Yes.

5 A No.

6 Q When was he in Carlisle?

7 A He was in Carlisle when I came back. But
8 Richard Pena, as I remember, was in York. He was a dispatch
9 supervisor in York.

10 Q How about Mark Walszak, W-a-l-s-z-a-k?

11 A Mark Walszak was there.

12 Q What was he doing?

13 A Supervisor.

14 Q On line haul?

15 A Yes.

16 Q What is your date of birth?

17 A 5/29/53.

18 Q To your knowledge are their fringe benefits
19 that ATMs receive that FOMs do not receive?

20 A No.

21 Q What is the difference between what an ATM
22 does and what an FOM does?

23 A An FOM is, I would say -- ATM and FOM?

24 Q Yes.

25 A The ATM is responsible for all of the FOMs in

1 Q When you first arrived at the Carlisle
2 terminal, who was responsible for recruitment of transport
3 operators?

4 A That's the job requirement of the ATM of line
5 haul.

6 Q When you returned to Carlisle as the GOM in
7 that year 1999, did you get involved at all directly as the
8 GOM in transport operator recruitment?

9 A Yes. I took ownership of the whole process.

10 Q When you say you took ownership, does that
11 mean that Dick Wojewodzki was relieved of that duty?

12 A We needed drivers badly and the problem was we
13 couldn't hire any. So what opportunity did you look at,
14 what channels did you take to hire drivers, did you do this,
15 did you do that. So I did a number of different things that
16 he didn't do, and I was able to hire at least 50 drivers.

17 Q Did you have Mr. Wojewodzki get involved in
18 your activities of recruiting transport operators?

19 A No. Actually, I had the people show up in the
20 dock operation building and I interviewed them there. And I
21 gave them their test there and called them back. And I used
22 one of the clerks in line haul to do the finishing part of
23 it.

24 Q You said you hired 50 transport operators.
25 Over what period of time did you hire that group?

1 Q How do you know that?

2 A On the calls, every time we would have a call,
3 he would ask Dick, how are you doing on the hiring, you know
4 we need 50 drivers in Carlisle, are you able to get them,
5 how many did you process. And we were always coming up
6 short.

7 Q Was he just not doing it at all or his efforts
8 were just not producing results?

9 A I think his efforts weren't producing results
10 due to a lack of effort.

11 Q Was he able to hire any transport operators?

12 A While I was there, he may have hired one or
13 two.

14 Q You also mentioned about giving -- you would
15 interview them and later you would give them a test. What's
16 the test that you would give them?

17 A At that time we had what was called the
18 Wunderlich, and every person who was employed by CF had to
19 take a Wunderlich Test.

20 Q Is that a pencil-and-paper type of test?

21 A Yes, it is.

22 Q That does like a psychological profile?

23 A Psychological profile.

24 Q This wasn't anything where you had to do a CDL
25 test for them to test their driving skills?

Exh D

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD C. WOJEWODZKI,
PLAINTIFF

VS

CONSOLIDATED FREIGHTWAYS, INC.,
DEFENDANT

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:
:
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NO. 1:CV01-285

VOLUME 1

VIDEO

DEPOSITION OF: RICHARD C. WOJEWODZKI

TAKEN BY: DEFENDANT

BEFORE: SHERRY BRYANT, RMR, CRR
NOTARY PUBLIC

TORR PIZZILLO, LEGAL
VIDEO SPECIALIST

DATE: OCTOBER 31, 2001, 10:06 A.M.

PLACE: MORGAN, LEWIS & BOCKIUS
417 WALNUT STREET
HARRISBURG, PENNSYLVANIA

APPEARANCES:

MARKOWITZ & KREVSky, P.C.
BY: LAWRENCE S. MARKOWITZ, ESQUIRE

FOR - PLAINTIFF

MORGAN, LEWIS & BOCKIUS
BY: VINCENT CANDIELLO, ESQUIRE

FOR - DEFENDANT

1 Q Did you have a specialty?

2 A I was in the Transportation Corps.

3 Q Have you ever been convicted of a crime?

4 A No, sir.

5 Q Would that include a traffic offense as well?

6 A No, sir, I've not been convicted.

7 Q You're very lucky compared to the rest of the
8 world. What is your date of birth?

9 A January 15th, 1943.

10 Q Your current age today is?

11 A I am 59. I'm sorry, 58. '43, 2001 would be
12 58. I'm sorry.

13 Q So I take it from the date of your birth and
14 the way you've described your age today, you will be 59 in
15 January of this coming year?

16 A That is correct.

17 Q Thank you. What education have you achieved
18 and let's start with high school?

19 A Four years of high school.

20 Q Where did you attend high school?

21 A Saint Anthony's of Padua in Jersey City, New
22 Jersey.

23 Q Have you gone to college?

24 A Yes, I did. I went to what was known as
25 Pennsylvania Military College, now known as Widener.

1 chain of command I follow is Barry first.

2 Q What is your current position?

3 A My current position is FOM, freight operations
4 manager.

5 Q For how long have you been in that position?

6 A Since December 6, 1999.

7 Q I'm going to walk through again the locations
8 you identified at which you worked for CF and see if you can
9 approximate the amount of time you were in each of those
10 locations. As I understood it, you began in Philadelphia.
11 Approximately how long were you there before transferring to
12 Camden?

13 A I really don't know exactly, sir, because
14 Camden, New Jersey was a brand new facility or a new
15 terminal. The concept then was to operate or organize the
16 smaller terminals, close the larger terminals and, you know,
17 better service for customers. I would say possibly a year,
18 you know, from Philadelphia to Camden.

19 Q Let's work backward from your current position
20 and see how that -- that's more important, I think. You've
21 been in York currently since December 6, 1999; correct?

22 A That is correct.

23 Q Prior to that you said you were in Carlisle.
24 For how long had you been in Carlisle?

25 A I was in Carlisle from July of 1995 through

1 almost the end of August of 1999. And then I had a couple
2 months being located between Norristown, Philadelphia, and
3 then back to York.

4 Q During the period of August '99 until December
5 6, '99, were you in York for --

6 A No, sir.

7 Q -- that approximate three-month period?

8 A No, sir.

9 Q I take it then you were in the Norristown,
10 Philadelphia terminal areas during that time?

11 A That is correct.

12 Q Prior to going to Carlisle in July of 1995,
13 how long had you been in York?

14 A I arrived in York in 1987.

15 Q How long had you been in Baltimore before
16 going to York?

17 A '84 to '87.

18 Q How long were you in Bristol before going to
19 Baltimore?

20 A I was in Bristol for seven years. So that
21 would be 1977 through 1984.

22 Q How long were you in Philadelphia before going
23 to Bristol?

24 A Approximately six months.

25 Q How long were you in Camden before going to

1 Q Do you have any reason to disbelieve that
2 statement to you?

3 A A division manager, you know, I know has, you
4 know, responsibilities for X amount of terminals. So
5 probably his schedule on Monday was a little busy.

6 Q Over what division did Mr. Ferguson have
7 responsibility?

8 A The mid-Atlantic division.

9 Q What states are covered by the mid-Atlantic
10 division?

11 A Maryland, Virginia, Pennsylvania, and I think
12 that's about it, sir.

13 MR. MARKOWITZ: Delaware?

14 A There's nothing in Delaware and there's
15 nothing -- there was a terminal in Jersey, but that was given
16 to another division. That's Trenton, New Jersey.

17 BY MR. CANDIELLO:

18 Q When you saw Mr. Ferguson on Tuesday, what
19 time of day was it?

20 A It was early afternoon. It was after lunch.

21 Q How did you know that was the time for you to
22 meet with him?

23 A I was told that Mr. Ferguson would see me in
24 the afternoon.

25 Q Who told you that?

1 A Again, I'm going to have to say Mr. McIntyre.
2 But it was another -- it was either Frank Soper or Dan
3 McIntyre who told me that Mr. Ferguson would see me on
4 Tuesday afternoon.

5 Q When Mr. Ferguson met with you, in which
6 office did he see you?

7 A The terminal manager's office.

8 Q When he met with you, were the two of you
9 alone?

10 A Yes, we were.

11 Q Was the door shut?

12 A Yes, sir.

13 Q Tell me everything you remember coming out of
14 Mr. Ferguson's mouth and yours.

15 A My first question was to ask Mr. Ferguson why
16 I was removed or reassigned from Carlisle, Pennsylvania to
17 Norristown, and he told me that there were three specific
18 reasons why he was going to say, you know, I was taken out or
19 reassigned. He said first, he said the penalty pay in line
20 haul. The second was the attrition of employees. And the
21 third was that I lacked the leadership skills in the new age
22 to help the company go forward, which I assumed were
23 leadership responsibilities.

24 Q So that I understood what you said as to the
25 third reason, that you lacked leadership skills in the new

1 A I'm speculating.

2 Q I take it then that when he used that phrase
3 "new age" that didn't immediately bring to your mind some
4 image of either a marketing program of CF or a method of
5 management style or something like that?

6 A No, sir.

7 Q Had you ever heard Mr. Ferguson use that
8 phrase prior to that day?

9 A No, sir.

10 Q When Mr. Ferguson described these reasons as
11 the cause for your transfer to Norristown, what, if anything,
12 did you say in reply?

13 A In reply, going back to the first one, the
14 penalty pay, I was the person who identified the problem that
15 was in the line haul operation. And when you lose your four
16 strongest supervisors into a new program back in 1988, April
17 of 1988, which was the creation of the northeast regional
18 control center, I lost my four strongest supervisors to that
19 operation, because I was told that that operation will work,
20 under any circumstances, it will work, it will fly.

21 Q Who told you that?

22 A I was told that by Mark Bunte.

23 Q Spell Bunte.

24 A B-u-n-t-e.

25 Q Who was he at the time?

1 Q You said that you established a planner
2 position when you were in Carlisle?

3 A Yes, sir.

4 Q As I understood it, you said you lost your
5 four strongest supervisors in 1988?

6 A '98, sir. Maybe I, you know, didn't state it
7 properly, but we moved from York to Carlisle in 1995, okay.
8 And the planning position was done when we first started in
9 Carlisle in 1995. It was a whole new operation. And then
10 the regional control office, the northeast regional control
11 office came into existence in April of 1998, and that's when
12 I lost my four strong supervisors.

13 Q Where was the northeast regional office
14 physically located?

15 A On the same floor, the desk next to the
16 planner.

17 Q What position was it that the planners you
18 have identified went into? Do you remember the jobs they
19 assumed?

20 A They went into northeast -- they went into the
21 northeast regional control center and they were being paid
22 the salary of an FOM.

23 Q Do you know what their title was?

24 A I would have to say line haul supervisor, sir.
25 I don't know.

1 Q When your planners went over to the northeast
2 regional office, were you permitted to replace them?

3 A I'm trying to think how many people I had
4 working at the time. Yes, I would have to say yes, that I
5 was permitted to replace, if not four, at least a certain
6 number, maybe two or three of the four people.

7 MR. CANDIELLO: Let's take a short break.

8 THE VIDEO OPERATOR: We are now going off
9 camera. The time is 11:11.

10 (Recess.)

11 THE VIDEO OPERATOR: We are now back on
12 camera. The time is 11:30.

13 BY MR. CANDIELLO:

14 Q Mr. Wojewodzki, did you happen to remember the
15 name of the fourth supervisor who you thought was so good?

16 A No, I didn't.

17 Q Do you know if that fourth supervisor
18 currently works in the northeast regional office?

19 A I want to say the man's name is Lloyd Zercher,
20 but I am not, you know, positive that it is that individual.
21 He was one of my strong supervisors at the time, but he was
22 reassigned to York and then he came back to Carlisle.

23 Q Zercher, Z-e-r-c-h-e-r?

24 A That is correct.

25 Q Now, these four were sent over in April of

1 1998; is that correct?

2 A That is correct.

3 Q Previously I asked you and I believe you
4 testified that you had no authority to in any way restrict or
5 inhibit their movement over to the northeast regional office;
6 is that correct?

7 A Well, I was given the ultimatum, sir, that
8 this new operation was going to succeed, okay. And so I put
9 the strongest, four strongest supervisors in that capacity.

10 Q Was it your decision to place those four
11 there?

12 A Yes, sir.

13 Q Was anyone else involved in that decision
14 making?

15 A Steve Deichman had part of it.

16 Q At that time, what role did Steve have?

17 A He was working for NET, N-E-T, and he was a
18 field trainer.

19 Q When I had asked you earlier about where
20 people were in 1988, were you thinking 1998 as we were going
21 through that process?

22 A Yes, sir.

23 Q Thank you. You were an ATM in York for the
24 entire period you were there from 1987 until July of '95?

25 A Yes, sir.

1 believe it's a no, so apparently we did not. And I intend to
2 come back to these things, because I try to keep in mind what
3 we have covered.

4 Tell me what else was said, because I
5 understood you were being told of the three reasons, and as
6 you were going back to the three reasons you talked then
7 about losing your four strongest supervisors; correct?

8 A Uh-huh.

9 Q Which had occurred sometime in April of '98?

10 A Correct.

11 Q Then did you raise that loss to Mr. Ferguson's
12 consciousness at the time on that Tuesday you were speaking
13 to him in the afternoon in Norristown?

14 A Yes, I did, sir, plus I did have a detailed
15 report that I sent to Mr. Ferguson when he first came in with
16 the company -- I mean into the division, because he wanted to
17 know what the problems were, especially with the penalty pay,
18 the problems with attrition. Those were the two most serious
19 problems that I had at the time, loss of personnel and the
20 penalty pay. And I identified the problem and, you know,
21 then it's brought up to me as that I was the cause for the
22 attrition and the penalty pay.

23 Q I take it you disagreed?

24 A Yes, I did.

25 Q And did you disagree to Mr. Ferguson on that

1 occasion?

2 A Yes, I did.

3 Q When did you send him the e-mail on these two
4 problems?

5 A I believe that was the first quarter of 1999.
6 I believe he came into the division either November-December
7 of 1998, and I forwarded that information, upon his request,
8 the first quarter of 1999.

9 Q So you -- just so that I understand, he came
10 in in the end of 1998?

11 A Yes, sir.

12 Q When he took over that position, apparently he
13 looked around at the various areas and he made a request to
14 you and said, tell me why we have these two problems; is that
15 correct?

16 A That is correct.

17 Q When you created your report to him, did you
18 attach it to his request?

19 A Yes, I did.

20 Q So it was a reply to an e-mail?

21 A It was an amended reply to his original
22 e-mail.

23 Q How did you amend your reply to his original
24 e-mail, did you keep your original reply?

25 A I believe I did. You do have a copy of the

1 percent?

2 A It was 12.3, 12.2, something in that area.

3 Q Did it rise in 1998?

4 A My figures show about 14.2, 14.3 for the year.

5 Q So the 12.2, 12.3 you gave us first you

6 believe was for the year 1997?

7 A That is correct.

8 Q 14.2 to 14.3 was for the year 1998?

9 A Yes, sir.

10 Q Do you know what the yearly average was for
11 1999 for Carlisle?

12 A It was in the twenties.

13 Q Twenty what, any estimate?

14 A I'd say 20.5.

15 Q Not 25, 20.5?

16 A 20.5.

17 Q That was the annualized number; correct?

18 A Yes, sir.

19 Q Line haul supervisors, did they get involved
20 in the dispatching of transport operators?

21 A Yes, sir.

22 Q Were they the folks involved in the actual
23 dispatch?

24 A Yes, sir.

25 Q So we had 18 line haul supervisors authorized

1 computer.

2 Q How did you receive it?

3 A You put in a certain message form and type in
4 PRSP, which is penalty pay responsibility, comma, CLP, and
5 you take it over to print head, and that gives you the report
6 on a weekly basis.

7 Q Were you printing them off on a weekly basis?

8 A Yes, sir.

9 Q Why would you print them off on a weekly
10 basis?

11 A To see where we were. After the August 20 --
12 after the August reassignment see how the next, you know,
13 person was doing as far as penalty pay is concerned.

14 Q Just to refresh my memory, when did Mr. Larsen
15 go to the dock?

16 A He went to the dock while Chuck Smith was
17 still GOM. So that had to be probably 1997.

18 Q To what did you attribute the rise in
19 percentage from '97 to '98 in the penalty pay?

20 A The penalty pay between 1997 and 1998, the
21 1997 came out to around 12.3, I think I stated, which was a
22 little bit over the goal that I was given. The 1998 14.8 was
23 with the -- of the four supervisors that went into regional
24 control, the northeast regional control, and the new people
25 that we had to retrain, or train I should say, not retrain.

1 Q So you attributed part of it to the loss of
2 the planners and another part to the turnover in the line
3 haul supervisors; is that correct?

4 A Yes, sir, that is correct.

5 Q And before this morning, you said that you
6 thought the annualized percentage in '98 was something around
7 14.3. You just said 14.8. Which do you believe it is?

8 A I believe it's 14.3. My mistake.

9 Q What was your goal for 1998?

10 A 12.3.

11 Q So it had gone up a percentage from the
12 previous year?

13 A Yes, sir.

14 Q In 1999, you identified 20.5 was the
15 percentage; correct?

16 A That is correct.

17 Q What was your goal?

18 A I believe it was still 12.3.

19 Q To what would you attribute the rise from
20 approximately 14.3 in '98 to the 20.5 in 1999?

21 A I would say the 1999 was again attributed to
22 the personnel turnover, the training of new people, which is
23 a costly -- you know, it's a costly venture, because of the
24 mistakes that are made. And most of the reports are
25 generated by personnel input into the computer.

1 And if somebody puts in a wrong time or wrong
2 reason why a TO was off, that inflates your runaround pay,
3 especially if you arrive a person, you know, six hours ahead
4 of time or six hours later than what he actually came in at.

5 Q Who was responsible for training the line haul
6 supervisors in their duties?

7 A Predominantly it would be myself would be
8 training. And then if Steve Deichman was in the area, he
9 would do some training. And then, of course, when Pat Corson
10 was promoted to ADOM, he'd have responsibility for training.

11 Q When did Pat Corson get promoted?

12 A Pat was promoted while Rich Conley was there,
13 because there was a chance that Pat was going to leave the
14 company because of the -- he had a problem with the two
15 different work schedules between the dock people and the line
16 haul people, plus he wanted some additional income.

17 And he was already poised and ready to go to
18 New Penn when Rich talked him out of going. And then he
19 asked me if I had any objections if he promoted him to ADOM,
20 and I said, of course not. And with the promotion he covered
21 both bases. He gave him the salary that he was looking for
22 plus promotability.

23 Q This was Mr. Conley?

24 A Yes, sir.

25 Q I thought Mr. Conley was the GOM?

1 the weekends. My schedule was that the person would work,
2 possibly to give them a break, it would be Monday-Tuesday,
3 off Wednesday, maybe Thursday-Friday and then off Saturday
4 and Sunday. But we had to work each supervisor four days a
5 week. It's not like the seven days that, you know, the other
6 people are on.

7 Q I may have misheard you, but could you go back
8 over again how those four days might be distributed within a
9 week. Monday-Tuesday, then?

10 A Monday-Tuesday, then it could be -- without
11 looking at a schedule, okay, it could be Monday-Tuesday and
12 then they could be off Wednesday-Thursday and then they could
13 work Friday, Saturday and Sunday, and then next week they'll
14 only work Wednesday-Thursday.

15 But I would have to make sure that they
16 worked, each man worked four days of that workweek. And our
17 workweek goes from Sunday through Saturday. So even though
18 they would work the weekend, they would be workdays of two
19 different weeks.

20 Q Did any of your line haul supervisors complain
21 about the way their workdays were distributed within a
22 workweek?

23 A Yes, sir.

24 Q Did they complain to you?

25 A Yes, sir.

1 Q What did they say?

2 A That it was -- it was, you know, difficult to
3 make plans and it was difficult to -- difficult to work the
4 times that were scheduled.

5 Q How far out in advance would you create a
6 schedule?

7 A I would say the shortest period was two
8 months.

9 Q So if we were looking at the beginning of
10 November now, when would you have created a schedule for a
11 November when you were an ATM, two months before that or a
12 month before that?

13 A Probably a month before that. It would
14 encompass October, November. There would be a two-month
15 posting on my door of the work schedule.

16 Q And then at the end of October then you would
17 have a December-January schedule put together?

18 A Yes, sir.

19 Q It would always be a month ahead?

20 A I would have the month of December. Yes, sir.

21 Q Why would it be hard to schedule if you were
22 giving everyone a month's notice and they would be scheduled
23 for specific days?

24 A They -- you know, they were enticed with that
25 schedule that the dock people were working. They wanted to

1 have marked at least this series in the lower right-hand
2 corner beginning with Bates number 300051 and it concludes
3 with 300071.

4 Within this series of pages you believe you
5 have found the e-mail to which you have referenced. Did you
6 say yes? I didn't hear you.

7 A Yes. Yes, I'm sorry.

8 Q I know it's very faint, but this is what I
9 have. Can you, to the best of your ability, identify this as
10 a memo from you to Mr. Ferguson; is that correct?

11 A It was an e-mail I had sent to Mr. Ferguson
12 and I cc'd or carbon copied Richard Conley.

13 Q Who at that time was your GOM?

14 A Yes, sir.

15 Q The date of this e-mail was?

16 A Wednesday, 16 December 1998.

17 Q And when did you send it, shortly after lunch?

18 A It says 12:43, okay, so...

19 Q Shortly after lunch?

20 A Yes.

21 Q To the best of your ability, can you read
22 what's here?

23 A It says (reading): Mr. Ferguson, as per your
24 request Carlisle penalty pay per dispatch was below the 10.5
25 goal from January through the first week of April 1998. The

1 Q The issue we were talking about was penalty
2 pay. When you referenced this, obviously you were talking in
3 reference to all three issues he was raising to your
4 consciousness; is that right?

5 A Yes, sir.

6 Q And you told him that you had sent this memo,
7 and what was it, that you had asked for his help as a result
8 of this memo?

9 A Yes, sir.

10 Q And what about that?

11 A Okay. In April I believe of 1999 or possibly
12 May, he -- Mr. Ferguson authorized us to change the work
13 schedule from eight days to seven. He also gave his
14 authorization to increase the line haul supervision I believe
15 by three, by three people.

16 Q So you'd have 21?

17 A Yes, sir.

18 Q Is that part of the e-mails that are part of
19 this packet?

20 A It should be, yes. That's what I was trying
21 to turn to. Okay. As you can see, the one under number 3A,
22 okay, second page of 3A.

23 Q What is the number at the bottom of the page?

24 A 300058.

25 Q All right.

1 A Right, sir.

2 Q And apparently it was the schedule of four on,
3 three off that bothered the line haul supervisors?

4 A Yes, sir. It -- in reality it bothered them
5 because they were on a four-three schedule, and the other
6 part was is that the next building across the road from the
7 line haul building, those people were working less days. And
8 I had a tough time selling, you know, selling why we were
9 working four days, okay.

10 We also when the dock was off for holidays
11 line haul was the guard service. So we maintained a line
12 haul operation through the holidays. The only time we didn't
13 work is Christmas Eve and Christmas day.

14 Q Who was Wayne Kennard?

15 A Wayne Kennard is the human resource man
16 from -- for eastern area. I believe he's stationed or homed
17 in Massachusetts or Vermont.

18 Q He'd come into the Carlisle terminal?

19 A Yes, sir.

20 Q And according to this memo, he had come in in
21 a recent visit and this memo was dated June '99, June 29th,
22 '99, so apparently he had come in sometime in the summer?

23 A Yes, sir.

24 Q Did the dock have the same turnover as you?

25 A No, sir.

1 Q Would that be something that would be
2 scheduled on a weekly basis? In other words, you wouldn't
3 know that until the week came up that you would be scheduled
4 for Thursday or Friday -- or Wednesday or Thursday I mean?

5 A I would put that on a schedule, sir, as soon
6 as I would know it. And if I had it a month in advance I
7 would put it on in advance. It would be on the calendar a
8 month in advance.

9 Q Well, what if it -- how often did you have
10 that kind of notice?

11 A There were times that it was -- emergencies
12 would arise or illness would come about that I would have to,
13 but, again, if I did that, if there was short notice, I would
14 call the individual into the office and explain to him what
15 was going on and let him know that, you know, that he would
16 be working an additional time.

17 Q In 1998 and 1999, was it the case that the
18 line haul department schedule was being published every two
19 weeks because of attrition, difficulty of finding the people
20 to fill the slots?

21 A I would say towards 1999, it would be. There
22 were possibly weeks that the schedule was not posted except
23 for two weeks, yes.

24 Q And still could be changed even frequently at
25 the last minute?

1 A If it was necessary, yes.

2 Q At the time in 1999, were dock operations
3 working 195 days a year and line haul was working 208?

4 A That was mandated by upper management, sir.
5 It wasn't my decision.

6 Q Well, that wasn't my question. My question
7 wasn't whether it was your decision. The question was, was
8 it the case that that's how people were working?

9 A It probably was, sir, yes.

10 Q Was there a 7-14 day schedule set up, seven
11 days out of 14, is that what you were doing?

12 A That's what we eventually turned over to was
13 the seven days, seven workdays in 14 days, yes.

14 Q Because of shortages of manpower, was it the
15 case that from time to time some of the men were not getting
16 weekends off?

17 A They would be working every other weekend.
18 Even if there was no emergencies or shortages, they'd still
19 be working every other weekend.

20 Q Was it the case because of some of the line
21 haul supervisors having five weeks of vacation that you had
22 to pull from the bank to fill in almost on a daily basis?

23 A There were people there with five weeks
24 vacation because of seniority. There were people that had
25 open heart surgery that were limited to duties.

1 plus I made, I made informal type memos with the distinctive
2 duties of each assigned area, dispatch, such as the planner,
3 such as the sleeper team op, you know, sleeper team
4 dispatcher, the meet and turn, the window responsibility. We
5 did not have anything, to my knowledge, from the company to
6 be issued for line haul training.

7 Q So there was no formal training?

8 A No, sir.

9 Q So do you think it would surprise you if one
10 of the line haul supervisors said that it's fly by the seat
11 of your pants training?

12 A That's right.

13 Q Would you agree with that?

14 A Yes, sir. Because that's what we did. We put
15 the new man in with an experienced supervisor. It was
16 myself, that we would work with the supervisor and, you know,
17 and then you'd -- just like they said, you'd throw them to
18 the dogs or you'd fly by the seat of your pants.

19 Q When was the computer system put in place to
20 track information involving line haul?

21 A I really don't know.

22 Q Was it 1995?

23 A We had computers, computer line haul generated
24 reports in 1995, but then we also went into a lot of
25 different programs. And I'm trying to think, I don't know if

1 ADOM, he would fill in for -- or respond to whatever was
2 needed.

3 Q How often were you getting complaints from
4 line haul supervisors about the schedule while you were in
5 Carlisle?

6 A I would say it was -- well, on a weekly basis,
7 because they wanted the work schedule to be the same as the
8 dock operation.

9 Q So let's get back to the conversation you were
10 having with Mr. Ferguson. You indicated you'd sent the memo.
11 You had brought out these points that you had lost four
12 strong supervisors, but the four strong supervisors you had,
13 just to make it clear, were not line haul supervisors; right?

14 A Yes, they were the line haul supervisors.

15 Q I thought they were planners?

16 A They were still in dispatch, sir. They were
17 dispatchers that I called planners. They were my strongest
18 people who planned the daily activity. They were line haul
19 supervisors.

20 Q When they left -- I may have asked this -- you
21 were authorized to replace them; correct?

22 A Yes, sir.

23 Q You didn't lose any strong or some of your
24 strongest line haul supervisors in '99, did you?

25 A When the word was received by the supervisors

1 change is due to a discussion with Mr. Kennard and not a
2 discussion with you or Mr. Rice, is that right, from what
3 Mr. Ferguson writes?

4 A Mr. Ferguson just enforced the suggestion.
5 Whatever Wayne Kennard wrote, I have never seen a report from
6 Wayne Kennard, because it was not privy to me. It was only
7 for upper management.

8 MR. CANDIELLO: Let's take a short break.

9 THE VIDEO OPERATOR: We are now going off
10 camera. The time is 2:39.

11 (Recess.)

12 THE VIDEO OPERATOR: We are now back on
13 camera. The time is 2:50.

14 BY MR. CANDIELLO:

15 Q When we took a break, Mr. Wojewodzki, we were
16 speaking of the attachments to Deposition Exhibit 1.
17 Deposition Exhibit 1 is a letter, all of the documents are
18 attached to a letter you sent to the EEOC; is that correct?

19 A That is correct, sir.

20 Q Are you aware of any other ATM who had a
21 penalty pay percentage as you had in Carlisle who wasn't held
22 accountable for it?

23 A Not to my knowledge, sir.

24 Q And in terms of attrition or turnover, do you
25 know of any ATM who was not held accountable for attrition

1 for those individuals who reported directly to them?

2 A Not to my knowledge.

3 Q Do you know any ATM who had a turnover of the
4 numbers that you described at CF other than you?

5 A No, sir, I don't.

6 Q As we go through all of these documents, I
7 know we've gone through some of these, we go through the
8 first attachment, which is part of Deposition Exhibit 1,
9 begins on 300054, and the reason this was attached was what?
10 What were you trying to demonstrate with this?

11 A I tried to demonstrate what the preliminary --
12 what the original plans were for setting up the Carlisle
13 facility as far as manpower is concerned.

14 Q The second document you've attached I believe
15 we've gone over in some detail. The third document was what?

16 A It's an answer from Jeff Rice to Pete
17 Ferguson. It says that -- Mark Bunte had asked him to
18 respond to the work schedule, which is -- begins on 0057, and
19 that is Jeff's response to Pete. He asked him how does he
20 want him to answer Mark Bunte on that question. And then
21 Pete said on the bottom there that he would handle Jeff,
22 don't respond at all, I'm working this through Brady. And
23 then Jeff sent me a copy of that, and it says, Dick, here is
24 your answer, Jeff.

25 Q When you were at CF and you'd worked in

1 A The first one that comes to mind is Ron
2 Polischak, who was working in the northeast region. His boy
3 played baseball and he asked me if he can take a vacation day
4 or give me his schedule of his son's games, and I would work
5 around him to ensure that he could attend his son's games.

6 Q Polischak, wasn't he one of your best
7 supervisors?

8 A Yes, sir.

9 Q He's the one who went over to the northeast
10 region?

11 A He was in the northeast region and now he's in
12 Wilkes-Barre, Pennsylvania.

13 Q What about any of the lesser senior people, do
14 you recall anything you did to get them to stay,
15 specifically?

16 A I wasn't successful in keeping them here, but
17 there was a gentleman, one of the newer employees, whose wife
18 was going through psychiatric care and he wanted to transfer
19 down to Orlando, Florida, because she had relatives down
20 there. And I worked with the DOM in Orlando to see if, you
21 know, we can get him transferred down there, which he was.

22 Q In your Deposition Exhibit 1, why did you
23 include 4A, which is at page 300062?

24 A Well, this was a copy of a response from Pete
25 Ferguson to Tom Paulsen, who was the executive VP at the

1 above average, except for the penalty pay, and it indicated
2 that it needed attention or was un -- you know, it was the
3 negative part of being exceptional.

4 Q Didn't note anything about the attrition
5 you've been experiencing?

6 A No, sir.

7 Q Did you say to Mr. Ferguson at the time you
8 saw him in Norristown that you felt that you should not be
9 held accountable for the penalty pay part?

10 A In part I did, yes.

11 Q What did you tell him about why you shouldn't
12 be held accountable for that?

13 A Because of the constant turnover and the
14 training of new employees. It doesn't take two weeks or a
15 month to make a dispatcher. It takes a little longer time to
16 train a person to become a dispatcher.

17 Q Did you tell Mr. Ferguson that you felt you
18 shouldn't be held accountable for the turnover?

19 A Yes, I did, because I was following company
20 policy of my VP of eastern area, Pat Brady, who said you will
21 work four days, these people will be working four days out of
22 the week.

23 Q Did your eastern area vice-president tell you
24 how to fill out schedules?

25 A No, he did not.

1 Q Did you believe the schedules had anything to
2 do with the attrition?

3 A They were mandated by his office. How could
4 you change -- out of seven days, how can you change working a
5 man four days out of seven and then next week working him
6 four days out of seven?

7 Q Well, what about the constant change in the
8 schedules?

9 A The schedules were not changing. The only
10 changes that occurred on the schedule was that if emergencies
11 came up, somebody booked off sick, a funeral.

12 Q Somebody quit?

13 A Somebody quit, uh-huh.

14 Q Was that happening pretty often?

15 A We had some, yes.

16 Q So I take it you didn't feel that those
17 circumstances were your responsibility either?

18 A That whole department was my responsibility as
19 far as I accepted the duties of that position. But I was
20 limited to what I could do. I had the power to do the
21 scheduling, but I had to follow company guidelines on the
22 workdays of these individuals.

23 Q You provided answers to interrogatories that
24 we submitted to you and we asked if in support of your age
25 discrimination claims you rely on any communication which you

EXHIBIT

Wojewodzki
10-31-01 SB

To: Mr. George Marinucci
U S Equal Employment Opportunity Commission
21 South 5th Street
Suite 400
Philadelphia, Pa 19106-2515

Reference: Case Number 170A00898

Dear Mr. Marinucci

I am sending you this response referencing your letter dated October 17, 2000 with the new information that may help in your determination of your decision. I request that you please take into consideration the following information being submitted at this time.

The Carlisle terminal was opened in July 1995 at which time there were four assistant terminal managers assigned to the operation: Dock operation Jeff Rice and Richard Conley: Linehaul operation Tom Larsen and myself. Example 1 shows the temporary supervisory needs for the new location as submitted by Chuck Smith, newly promoted terminal manager of the Carlisle facility. There was never a dispatch operation manager appointed at this location until Pat Corson was promoted to the position in August/September 1999. There were four(4) assistant terminal managers at the Carlisle facility until Jeff Rice was promoted to terminal manager of the Alexandria, Va terminal and the Manassass, Va terminal. At approximately with the same time period, Richard Conley was transferred to the York terminal as the assistant manager. When the two dock assistant terminal managers were reassigned/promoted, Tom Larsen was assigned to the dock operation and I continued my linehaul responsibilities.

I was responsible as an assistant terminal manager/dispatch operation manager/northeast regional control manager and had responsibilities in labor meetings and hearings and assisted safety supervisor, Michael Gonder in the terminal's safety program.

The penalty pay issue was corrected and was within the established goals of the operation. When the newest operation was initiated in

RECEIVED - 11
PHILADELPHIA
00 NOV -3 PM 3:46

April, 1998, I was instructed by upper management to place the four (4) strongest supervisors in that position. This took away the strong supervisors and left the operation in the hands of lower seniority and less experienced supervisors. This continued for several months until Mr Ferguson was promoted to Division Manager of the Mid-Atlantic Division. Attachment 2 was an answer to Mr Ferguson advising him of the Clp Penalty Pay problems. As you can see from the date of the e-mail, December 16, 1998, he was appraised of the Northeast Regional Control Center and the four supervisory personnel assigned: turnover of linehaul personnel not due to the penalty pay achievements but due to a dual work schedule of the dock supervisors and linehaul supervisors. Linehaul supervisors were mandated to work 4 days/week or 8 days in a two week program while the dock supervisors were working a 2 days on: 2 days off: and 3 days on: a total of 7 days in a two week period. This was a great concern of the linehaul supervisors that all terminal mgrs were appraised and knew about the situation including Jeff Rice and Richard Conley as well as the Division Managers, Chuck Smith and P. Ferguson. Please read the e-mail dated 1 July 1999 especially the area of Mr Ferguson's response to Mark Bunte which is marked attachment 3. Linehaul supervisory schedules were pre-set by the Linehaul Department Director, Mark Bunte, in Menlo Park, Ca.

E-mail marked attachment 4, dated March 29, 1999, indicates that supervisory additions were being addressed and requested; however, it was not until e-mail dated 11 June 1999, that clearly indicates what I have stated earlier.

Attachment 5 was prepared by myself and submitted on April 26, 1999 for justification of additional supervisory personnel at the Clp facility. Attachment 6 is additional information submitted on behalf of the three point justification of additional supervisors.

Attachment 7 dated May 19, 1999 was sent to Michael Montgomery in Menlo Park, Ca to appraise him of the Clp situation and programs to be initiated to reduce this cost.

In your letter you stated that I received less than average performance ratings relative to penalty pay goals for the past two years. The performance received in 1998 of less than average was in the communication aspect with linehaul drivers: the penalty pay performance review of less than average was in 1999 by Jeff Rice. I couldn't discount this performance review; however, everyone from Menlo Park to Jeff Rice knew of the problems that had contributed to the high penalty pay to union transport operators. It has taken nine plus months with added supervisory personnel and additional department mgrs to attain weekly results in

penalty pay of the specified goal.

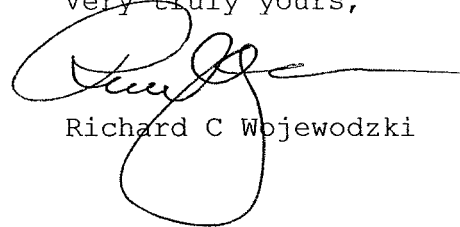
Knowing the problem in the linehaul department, I appointed a brain storming committee to come up with possible solutions in supervisory scheduling. Attachment 8 verifies the frustration of the committee spokesman, Ken Swezey in his email dated May 24, 1999.

Mr. Marinucci, I have numerous other emails/correspondence that I can send you, if you reconsider your position on my charge. I was one individual that now has three individuals in department managerial position to run the Clp linehaul department:
Mr Jim Kot promoted to Manager-Northeast Regional Control Center:
Mr Pat Corson who was promoted to a vacant Dispatch Operation Manager since the Clp facility opened in July 1995:
Mr Steve Deichman who is responsible for the entire Clp linehaul operations and supervises Mr Kot and Mr Corson. I was one person with total responsibilities of the linehaul operation and had less supervisory personnel that are now employed in that department.

If the information submitted does not help in my request for your findings review, I am requesting a right to sue letter from the EEOC which may allow me to pursue this matter in court. I did not lack leadership abilities, I displayed direction for the department and the established work scheduling by Menlo Park directives resulted in a turnover of personnel.

As a final note, the performance reviews both in 1998 and 1999 were accompanied with a 3% pay increase each year and numerous above average performance ratings were attained by me. There were seven areas of job performance reviews and only one category of less than average ratings attained by me.

Very truly yours,



Richard C Wojewodzki

TO: DICK SKI
CHURCH ROAD AND I 83
YORK PA 17405

CMF-YK-YK-DCS 23-May-95 13:28:06

FROM: CHUCK SMITH / POP
CFMF/POP

CMF-PP-PO-CWS 22-May-95 23:17:12

SUBJECT: TENATIVE SUPERVISORY NEED

CMF-YK-YK-DCS/MA#5833148

To: BRIAN TIERNEY
From: CHUCK SMITH / POP
Date: Monday 22-May-95 at 11:34pm
Subject: TENATIVE SUPERVISORY NEEDS AT CLP
cc: PAT BLAKE
PATRICK BRADY
ROBERT WARNER
RICHARD CONLEY
DICK SKI

CMF-ED-00-BJT
CMF-PP-PO-CWS

CMF-ER-00-PHB
CMF-ER-00-PJB
CMF-YK-00-REW
CMF-YK-YK-RXC
CMF-YK-YK-DCS

THE NEEDS FOR CLP ARE AS FOLLOWS:

DOCK OPERATION

6 FREIGHT OPERATIONS MANAGERS
19 DOCK SUPERVISOR I
4 DOCK SUPERVISOR II
2 W&R SUPERVISORS
1 ASST. W&R SUPERVISOR

LINEHAUL OPERATION

1 ATM OR DOM IN CHARGE OF LINEHAUL
15 LINEHAUL SUPERVISORS (3 OF WHICH COULD BE ASST L/H SUPERS)
3 YARD COORDINATORS

WITH THE PRESENT STAFFING AT YKP CC MINUS WHAT WILL BE NEEDED AT THE YORK METRO IT LOOKS LIKE THERE WOULD BE 23 POSITIONS FILLED LEAVING 28 POSITIONS NEEDING TO BE FILLED AT CLP.

300054

TO: DIRECTOR
RECEIVED
1 CAROLINA WAY
CARLISLE

PA 17403

CMF--MA-CL-DCS 16-DEC-68 13:31:27

FROM: DICK SKI
CFMF / CPD
1 CAROLINA WAY
CARLISLE

PA 17403

CMF-MA-CL-ICE 16-Dec-98 12:32:45

SUBJECT: CLF PENALTY PAY PER DISPA

CMF-MA-CL-DCS/MA#B000840

To: PETER FERGUSON
Cc: RICHARD CONLEY
From: MIKE SKI
Date: Wednesday, 15-Dec-98 at 12:43pm
Subject: CLE PENALTY PAY PER DISPATCH

CMF-MA-CC-FJF
CMF-MA-CL-FXC
CMF-MA-CL-DCS

MR FERGUSON. AS PER YOUR REQUEST, OUR PENALTY PAY REBATE/REDEMPTION WAS BELOW THE 10.5 GOAL FROM JANUARY THRU THE FIRST WEEK OF APRIL 1998. THE FACTORS THAT CONTRIBUTED TO THE DEFECTION OF THIS GOAL WERE THE FOLLOWING.

FIRST WEEK OF APRIL 1972, THE NORTHEAST REGIONAL CONTROL CENTER STARTED FUNCTIONING. I SELECTED THE FOUR STRONGEST PLANNERS AMONG PLANNERS AND PLACED THEM IN THE NEW OPERATION, SINCE THE OLD-TIME CONTROL REGION COULD NOT FAIL, WITH THIS VOID OF TALENT, THE EARLY NEW GROUP OPERATION SUFFERED. (I HAVE SENT YOU A COPY OF THE WEEKLY PENALTY FOR MINUTES AND SEARCH FOR LOGS OF DATA.)

WITH THE IMPACT OF DRIVER RESOURCES SCHEDULES WERE DIRECTED TO
SERVICE SENSITIVE ACCOUNTS, PRIMETIMES, HP AND ON LATE ARRIVALS AT ON

ANOTHER FACTOR THAT SEVERELY AFFECTED THE PERFORMANCE OF THE JCP WAS THE TURNOVER OF SUPERVISORS AND THE LACKING OF QUALIFIED SUPERVISORS. THE BIGGEST LOSS WAS STENO SKILLED PERSONNEL WHO WERE LEAVING TO THE JCP - 4 AND WAS AN ASSET IN THE GENERAL DEPARTMENT.

THESE THREE FACTORS HAVE EFFECTED A 1-4 MILLION PER CENT INCREASE IN THE PRICE OF
COTTON. IN THE 1950S, COTTON WAS THE ONLY CROP IN THE WORLD THAT WAS NOT PROTECTED BY
A 10 PER CENT DUTY. HOWEVER, PROTECTING COTTON FROM IMPORTS WILL BE A VERY DIFFICULT TASK
BECAUSE OF THE LARGE QUANTITY OF COTTON IN THE WORLD.

AS WE COMPLETE OUR TRAINING OF THE NEW SUPERVISORS, GATHER EXPERIENCE AND JOB KNOWLEDGE, THE GOAL WILL BE ATTAINED AND REACHED AS WE HAVE SHOWN IN THE FIRST QUARTER OF 1968.

2000

6. The following information is provided for the year ended 31-12-2000:

300055

FROM: JEFF RICE
CFMF / CLP

CMF-MA -JLR 29-Jun-99 07:35:33

SUBJECT: Fwd: LINEHAUL WORK SCHEDU

CMF-MA-CL-DCS/MA#9224809

To: PETER FERGUSON

CMF-MA-00-PJF

From: JEFF RICE

CMF-MA-CL-JLR

Date: Tuesday 29-Jun-99 at 4:24am (12:24am Local time)

Subject: LINEHAUL WORK SCHEDULE

PETE, I AM SURE YOU HAVE SEEN THE TYPE FOR MARK BUNTE ON THE 3-2-2-3

SCHEDULE.

HOW DO YOU WANT ME TO REPLY TO THIS REQUEST?

PLS ADVISE.

JEFF

..... Routed on: Tue 29-Jun-99 at: 4:46am

From: CMF-MA-00-PJF PETER FERGUSON

CICS Printer

To: CMF-MA-00-MCV MCV PRINTER

..... Routed on: Tue 29-Jun-99 at: 4:46am

From: CMF-MA-00-PJF PETER FERGUSON

..... Routed on: Tue 29-Jun-99 at: 5:16am

From: CMF-MA-00-PJF PETER FERGUSON

CICS Printer

To: CMF-MA-00-MCV MCV PRINTER

..... Message amended by: CMF-MA-00-PJF PETER FERGUSON
on: Tue 29-Jun-99 at: 7:11am

Jeff, don't respond at all. I'm working this through Brady.

Pete/gs

..... Routed on: Tue 29-Jun-99 at: 7:11am

From: CMF-MA-00-PJF PETER FERGUSON

To: CMF-MA-CL-JLR JEFF RICE

..... Message amended by: CMF-MA-CL-JLR JEFF RICE

Page 1

on: Tue 29-Jun-99 at: 7:35am

DICK,

HERE IS THE ANSWER

JEFF

..... Routed on: Tue 29-Jun-99 at: 7:36am

From: CMF-MA-CL-JLR JEFF RICE

CMF-MA-CL-DCS DICK SKI

CMF-MA-CL-PXC PAT CORSON

300056

TO: DICK SNI
CFMF / CF
1 CAROLINE WAY
CARLISLE

PA 17403

FROM: PETER FERGUSON

CMF-MA-00-PJF-30-Jun-99-14125157

DEC / MCV

405 CHURCH ROAD

YORK

PA 17402

SUBJECT: Fwd: LINEHAUL WORK SCHEDU

CMF-MA-CL-DCS/MA#9241423

3A

From: Bunte, Mark A - CFC <bunte.mark@ems.cfwy.com>

To: "baker, larry" <baker.larry@ems.cfwy.com>, "christmann, joe"

<christmann.joe@ems.cfwy.com>, "coleman, richard"

<coleman.richard@ems.cfwy.com>, "corson, pat"

<corson.pat@ems.cfwy.com>,"

"Daknis, Bill" <daknis.bill@ems.cfwy.com>, "dittman, john"

<dittman.john@ems.cfwy.com>, "ehlers, wayne"

<ehlers.wayne@ems.cfwy.com>,"

"foster, Keith" <foster.Keith@ems.cfwy.com>, "green, mike"

<green.mike@ems.cfwy.com>, "Haviland, Joe"

<haviland.joe@ems.cfwy.com>,"

"imhoff, mark" <imhoff.mark@ems.cfwy.com>, "iwanaga, mike"

<iwanaga.mike@ems.cfwy.com>, "johnson, Keith"

<johnson.Keith@ems.cfwy.com>, "Koble, stu"

<Koble.stu@ems.cfwy.com>,"

"martin, tom" <martin.tom@ems.cfwy.com>, "mcguire, joseph"

<mcguire.joseph@ems.cfwy.com>, "miller, jim"

<miller.jim@ems.cfwy.com>,"

"musselman, larry" <musselman.larry@ems.cfwy.com>, "cliver,

dale"

<cliver.dale@ems.cfwy.com>, "oneill, jack"

<oneill.jack@ems.cfwy.com>,"

"paulus, rick" <paulus_rick@ai.cfwy.com>, "puma, steve"

<puma.steve@ems.cfwy.com>, "reisnour, greg"

<reisnour_greg@ai.cfwy.com>,"

"rudolph, mike" <rudolph.mike@ems.cfwy.com>, "sargent, floyd"

<sargent.floyd@ems.cfwy.com>, "siegfert, paul"

<siegfert.paul@ems.cfwy.com>, "sikora, john"

<sikora.john@ems.cfwy.com>,"

"ski, dick" <ski.dick@ems.cfwy.com>, "smith, robert"

<smith.robert@ems.cfwy.com>, "smith, tony"

smith.tony@ems.cfwy.com>,"

"standridge, enos" <standridge.enos@ems.cfwy.com>, "stevens,

john"

<stevens.john@ems.cfwy.com>, "wright, john"

<wright.john@ems.cfwy.com>,"

"vakubik, joe" <vakubik.joe@ems.cfwy.com>, "zod, dave"

Page 1

300057

Subject: LINEHAUL WORK SCHEDULE

Date: Mon, 28 Jun 1999 13:51:00 -0700

BOB'S,

IT HAS BEEN BROUGHT TO MY ATTENTION THAT SEVERAL LINEHAUL LOCATIONS ARE WORKING A 3 ON 3 OFF OR 2-3-3-2 SCHEDULE.

SINCE 1995, THE POLICY HAS BEEN THAT ALL LINEHAUL SUPERVIORS WILL WORK A 4 ON 3 OFF OR 5 ON 2 OFF SCHEDULE. THE REASON FOR THIS POLICY IS ECONOMICAL. 3 ON 3 OFF SCHEDULES HAVE 26 FEWER WORK DAYS PER YEAR. (EQUIVALENT TO 5 WEEKS OF VACATION PER YEAR).

IF YOUR LOCATION IS WORKING A SCHEDULE OTHER THAN 4 ON 3 OFF OR 5 ON 2 OFF, YOU ARE PROBABLY OVERSTAFFED. IF SO, CALL ME AND WE WILL ARRANGE TO MOVE SUPERVIORS TO LOCATIONS THAT ARE SHORT HANDED.

IN ADDITION, I WOULD LIKE ALL LOCATIONS TO SEND ME A COPY OF THEIR SUPERVISOR SCHEDULE.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME.

MARK

***** Routed on: Tue 29-Jun-99 at: 4:46am
From: CMF-MA-00-PJF-PETER FERGUSON
To: CMF-MA-00-MCV MCV PRINTER

CICS Printer

***** Message amended by: CMF-MA-00-PJF-PETER FERGUSON
on: Wed 30-Jun-99 at: 2:25pm

MARK..

THE SCHEDULE AT CLP WILL SOON BE CHANGED TO A 3-2-2-3 NOW THAT WE HAVE A FULL COMPLIMENT OF PEOPLE. THE ISSUE WITH HIGH TURNOVER AT CLP HAS CLEARLY BEEN IDENTIFIED AS SCHEDULING ISSUES DUE TO THE 4/3 SCHEDULES OF THE PAST. THIS WAS DOCUMENTED BY WAYNE KENNARD AS A RESULT OF A RECENT VISIT. HIS RECOMMENDATION TO ADJUST SCHEDULES WAS DISCUSSED WITH BRADY AND I AND THE SCHEDULE OF 3-2-2-3 WAS AGREED TO BY EVERYONE, AND I THOUGHT YOU WERE ALSO IN THE LOOP ON THIS ISSUE.

HOWEVER...THE ISSUE OF DAYS WORKED PER YEAR HAS CLEARLY BEEN ADDRESSED AND THE CLP EMPLOYEES WILL WORK MORE DAYS THAN THE 4-3 EMPLOYEES WITH 100% COVERAGE ON THE WEEKS THAT WE LOSE EMPLOYEES TO ILLNESS, VACATIONS, TRAINING, MEETINGS, DAYS DRIVING WITH DRIVERS AND THE EXTRA DAYS WE

Page 3

300058

ARE SCHEDULING SUPERVISORS TO WORK IN THE YARD TO DRIVE DOWN YARD COST
ON WED, THURS, AND FRIDAYS

YOUR MESSAGE INDICATES THE ISSUE IS THE 26 LOST DAYS PER MAN ON THE
3-2-2-3 VERSUS THE 4 ON 3 OFF

ON THE 4-3 THERE IS NO REPLACEMENTS OF EMPLOYEES FOR VACATION OR ANY
OTHER TIME OFF...YOU MUST WORK EXTRA DAYS OR WITH A SMALLER CREW.

ON THE SCHEDULE WE HAVE DEVELOPED AT CLP, THE NUMBERS INDICATE WE WILL
NOT WORK OUR PEOPLE ANY LESS DAYS THAN THE 4-3 AND IN FACT WORK A FEW
EXTRA. IT BREAKS DOWN AS FOLLOWS

WE HAVE 20 MEN AT CLP. IF EACH MAN HAD WORKED 26 LESS DAYS THERE WOULD
BE A TOTAL LOST WORK DAYS OF 520 ANNUALLY. (20 X 26 DAYS = 520)

HERE IS HOW THE PAYBACK WORKS

VACATIONS WILL FORCE REPLACEMENTS OF 260 ADDITIONAL DAYS WORKED
EXTRA DAYS ON YARD SUPERVISION 3 DAYS A WEEK X 52 WEEKS= 156 DAYS
QUARTLY ONE DAY DRIVES WITH T/O'S (20 MEN X 4 DAYS) =104 DAYS
SAFETY COMMUNICATIONS MEETINGS = 8 DAYS

THIS TOTALS 528 ADDITIONAL DAYS TO WORK AGAINST A PROJECTED 520 DAYS
LOST...IT WASHES OUT AND DOES NOT ACCOUNT FOR THE REPLACEMENT OF
DAYS THAT WE WILL ASK THE TO WORK TO REPLACE INJURIES, ILLNESS, FUNERAL
LEAVE, JURY DUTY ETC. ADDITIONALLY WE WILL ASK THEM TO COME IN ON THEIR
DAYS OFF FOR MEETINGS.

THE BEST PART IS WE WILL ALWAYS WORK WITH A FULL WORK FORCE AND NOT BE
SHORT THE MANPOWER NECESSARY TO CONTROL PENALTY PAY AND POOR DISPATCHES

..... Routed on: Wed 30-Jun-99 at: 3:04pm

From: CMF-MA-00-PJF PETER FERGUSON

To: CMF-EX-00-MAS MARK SUMTE - EXCH

Exported

CMF-NE-SH-PJB PATRICK J. BRADY

CMF-EG-00-TXP THOMAS FAULSEN - CFC/VP

Exported

CMF-MA-CL-JLR JEFF RICE

..... Routed on: Thu 1-Jul-99 at: 3:57am

From: CMF-MA-CL-JLR JEFF RICE

To: CMF-MA-CL-DCS DICK ONI

CMF-MA-CL-PXC PAT CONSON

..... Routed on: Thu 1-Jul-99 at: 4:44am

From: CMF-MA-CL-DCS DICK ONI

To: CMF-MA-CL-DCS DICK ONI

CICS Printer

* * End of Message * * Printed on 1-Jul-99 at 04:47:59-MA# 9241423

300059

TO: DICK SCHAFNER
 CFMF / MCV
 1 CAROLINA WAY
 CARLISLE PA 17403

CMF-MA-CL-DCS/MA#9255114

FROM: GAYLE SCHAFFNER
 CFC / MCV

CMF-MA-00-GAS 29-Mar-99 07:00:49

SUBJECT: Fwd: ADDITIONAL SUPERVISOR

CMF-MA-CL-DCS/MA#9255114

TO: PETER FERGUSON
 From: JEFF RICE

CMF-MA-00-PJF
 CMF-MA-CL-JLR

Date: Thursday 25-Mar-99 at 8:58am (4:58am Local time)
 Subject: ADDITIONAL SUPERVISOR'S

PETE, WHEN WE TALKED I FORGOT TO ASK YOU ABOUT ADDING SUPERVISORS.

HERE ARE SITUATION. WE HAVE ONE GUY WHO WILL BE STARTING MONDAY MORNING

THAT REPLACES A SUPERVISOR WHO RESIGNED MARCH 9TH. WE HAVE 3 OTHER GOOD
 APPLICANTS IN THE WINGS.

WE HAVE ONE WEAK SUPERVISOR - BUT NEVER HAD THE OPPORTUNITY TO REPLACE

HIM BECAUSE OF BEING SHORT. AND WE HAVE JACK WARNTZ (50 YEAR MAN)

RETIRING JUNE 1ST. SO THEN WE WILL BE DOWN AGAIN.

HERE THE PLAN.

4 TWO MAN TEAMS = 8 NEC

4 THREE MAN TEAMS = 12 FRONTLINE GUYS

1 TEAM OF TWO = 1 OUT PLANNER, 1 RAIL/FLOATER

4 ASSISTANTS = D-LOGS, ARRIVALS, HOOKUPS, RAIL MISC, ETC

DOWN THE ROAD WHEN EVERYONE IS TRAINED WE SHOULD BE ABLE
 TO DROP TWO SUPERVISORS TO TAKE ON MORE RESPONSIBILITIES

PLEASE ADVISE IF WE CAN GO FORWARD.

THANKS JEFF RICE

Message opened by: CMF-MA-CL-JLR JEFF RICE

on: Sat 27-Mar-99 at: 5:11am

GAYLE, HI

WHEN YOU TALK TO PETE, WOULD YOU PLEASE PASS THIS INFORMATION

TO HIM. I AM GOING TO RUN WITH THE 12. I WANT TO MAKE THINGS

Page

300060

PLEASE ADVISE

JEFF RICE

..... Routed on: Sat 27-Mar-99 at: 5:18am
 From: CMF-MA-CL-JLR JEFF RICE
 To: CMF-MA-00-GAS GAYLE SCHAFFNER

..... Routed on: Mon 29-Mar-99 at: 4:17am
 From: CMF-MA-00-GAS GAYLE SCHAFFNER
 To: CMF-MA-00-MCV MCV PRINTER DICS Printer
 Message amended by: CMF-MA-00-GAS GAYLE SCHAFFNER
 on: Mon 29-Mar-99 at: 7:00am

Jeff. Pete will be meeting with Brady this evening and will discuss it with him. However, don't hold your breath - adding employees while business levels are soft is going to be very difficult to get by Blake.

Pete will talk to you later in the week.

Pete/ga

..... Routed on: Mon 29-Mar-99 at: 7:02am
 From: CMF-MA-00-GAS GAYLE SCHAFFNER
 To: CMF-MA-CL-JLR JEFF RICE

..... Routed on: Mon 29-Mar-99 at: 7:10am
 From: CMF-MA-CL-JLR JEFF RICE
 To: CMF-MA-CL-DCS DICK SKI

..... Routed on: Mon 29-Mar-99 at: 10:07am
 From: CMF-MA-CL-DCS DICK SKI
 To: CMF-MA-CL-CD1 CPD1 PRINTER CICS Printer

* * End of Message * * Printed on 29-Mar-99 at 10:07:52 MA# 9255114

300061

TO: DICK SKI
 CMF / CPD
 1 CAROLINA WAY
 CARLISLE

CMF-MA-CL-DCS 11-Jun-99 13:20:58

PA 17402

FROM: PETER FERGUSON
 CFC / MCV
 405 CHURCH ROAD
 YORK

CMF-MA-00-PJF 10-Jun-99 10:50:09

PA 17402

SUBJECT: CLP LINEHAUL

CMF-MA-CL-DCS/MA#9089967

To: THOMAS PAULSEN - CFC/VP
 From: PETER FERGUSON
 Date: Thursday 10-Jun-99 at 11:02am (6:02am Local time)
 Subject: CLP LINEHAUL
 cc: PATRICK J. BRADY

CMF-EO-00-TXP

CMF-MA-00-PJF

CMF-NE-SM-PJF

PATRICK ASKED THAT I GIVE YOU A OVERVIEW OF THE PRESENT CLP L/H DEPT. CURRENTLY WE ARE ATTEMPTING TO STAFF THE DEPT PROPERLY TO CURTAIL THE VERY HIGH ATTRITION WE EXPERIENCED IN THE PAST 18 MONTHS. WE LOST 15 FRONT-LINE SUPERVISORS IN LESS THAN 2 YEARS, MOSTLY TO ERRATIC SCHEDULES, LONG HOURS AND EXTENDED WORK WEEKS NECESSARY TO COVER THE SHORTFALL IN PEOPLE.

PRESENTLY WE ARE 3 PEOPLE SHORT OF MEETING OUR FULL COMPLIMENT OF SUPERVISORS. WITH THE NEW STRUCTURE WE HAVE 4 GOOD CANDIDATES FOR THESE OPENINGS AND WILL BE MAKING A JOB OFFER TO THE BEST 3 BY TOMORROW OR MONDAY. I EXPECT TO BE AT FULL COMPLIMENT BY MONDAY 6-21.

ONCE AT FULL COMPLIMENT I EXPECT TO SEE FURTHER AND SUSTAINED IMPROVEMENT IN PRODUCTIVITY AND COSTS.

TRAINING THESE NEW EMPLOYEES HAS PRIORITY. JEFF RICE HAS SET TRAINING SCHEDULES TO AVOID THE OLD "LEARN BY YOUR MISTAKES" PROGRAM. ONCE TRAINED, AND I EXPECT THE INITIAL TRAINING NECESSARY TO GET THESE PEOPLE FUNCTIONAL TO BE NO LATER THAN AUG 1, WE CAN BEGIN TO WEED OUT A FEW UNDER-ACHIEVERS THAT WE HAVE HELD ON TO AND DO SOME CROSS TRAINING TO STRENGTHEN THE TEAM.

THE DOCK AND THE L/H DEPT WILL BE ON SIMILAR SCHEDULES, CAPABLE OF HOLDING IN FOR ABSENCE, ILLNESS AND VACATIONS WITHOUT LOSS OF EFFICIENCY. USING A BANK DAY SCHEDULE TO COMP PEOPLE FOR EXTRA DAYS TO COVER TIME OFF. THESE MEN WILL NOT GET THE SAME NUMBER OF DAYS A YEAR THAT EMPLOYEES WORK ON THE 4 ON 3 OFF SCHEDULES AND HAVE REGULAR ROTATIONS OF WEEKENDS OFF....THIS WAS A MAJOR ISSUE WITH EVERY EMPLOYEE WE SURVEYED OR TALKED TO IN THE LAST INTERVIEW.

ALSO, ONCE PROPERLY STAFFED WE WILL MAKE A GOOD APPRAISAL OF THE PRESENT

300062

LINE HAUL MANAGEMENT, SET EVALUATION CRITERIA AND GOALS TO REACH BY YEAR END.

WE STILL HAVE ABOUT 40-45 T/O'S TO HIRE, HOWEVER SINCE MARCH WE HAVE HAD A NET GAIN OF 8 T/O'S, HIRING 23 AND LOSING 15 TO RESIGNATION OR RETIREMENT. ADDITIONALLY WE HAVE ADDED 8 L/H POSITIONS BY BIDS THAT HAVE BEEN FILLED FROM THE QUALIFIED DOCKMEN AND ARE ADDING 2 MORE THIS WEEK. DURING THE LAST 120 DAYS WE HAVE HAD 188 APPLICANTS TO GET TO THE 23 ADDITIONS.

IN THE PENALTY PAY ARENA WE ARE BEGINNING TO SHOW SOME IMPROVEMENTS IN SPITE OF THE TURNOVER PROBLEMS.

THE FIRST 11 WEEKS OF 99 WE AVERAGED 20.2 MINUTES PENALTY PAY PER DISPATCH. FOR THE PAST 10 WEEKS WE AVERAGED 17.0 MINUTES, FOR A 16% IMPROVEMENT.

WITH EXPERIENCED PEOPLE, STABILITY, PROPER TRAINING AND THE RIGHT LEADERSHIP I AM EXPECTING TO REACH OF PENALTY PAY GOALS IN THE 4TH QUARTER.

..... Routed on: Thu 10-Jun-99 at: 11:58am
From: CMF-MA-00-PJF PETER FERGUSON
To: CMF-MA-CL-JLR JEFF RICE

..... Routed on: Thu 10-Jun-99 at: 1:02pm
From: CMF-MA-CL-JLR JEFF RICE
To: CMF-MA-CL-CL3 CLP4 PRINTER

CLP4 Printer

..... Routed on: Fri 11-Jun-99 at: 11:14am

300063

TO: DICK SKI
 CFMF / C
 1 CAROLI WAY
 CARLISLE

PA 17403

FROM: JEFF RICE
 CFMF / CLP

CMF-MA-CL-JLR-26-Apr-99-12:32:29

SUBJECT: Fwd: THREE POINT JUSTIFIC

CMF-MA-CL-DCS/MA#9689484

To: JEFF RICE

CMF-MA-CL-JLR

From: DICK SKI

CMF-MA-CL-DCS

Date: Monday 26-Apr-99 at 9:12am

Subject: THREE POINT JUSTIFICATION

PRESENT SITUATION L/H DEPARTMENT CONSISTS OF 22 SUPERVISORY PERSONNEL (5 IN NE RCC)(2 LIMITED DUTIES)(1 ADOM)(2 L/H SUPV 2) (12 L/H SUPV) WORKING A SCHEDULE OF 2 DAYS ON/2 DAYS OFF, 3 DAYS ON DUTY. L/H IS OPERATIONAL 24 HRS A DAY 7 DAYS A WEEK. EACH SHIFT CONSISTS OF 1 WINDOW SUPERVISOR: 1 MAINLINE SUPERVISOR AND 1 SHIFT PLANNER. DEPARTMENT HAS ONE SUPERVISOR THAT IS RETIRING IN JUNE AND ONE SUPERVISOR THAT MUST BE REPLACED DUE TO INEFFICIENCIES. DELETING THE SENIOR SUPERVISORS. THE AVERAGE LENGTH OF SERVICE AND EXPERIENCE OF THE NEWER EMPLOYEES IS 14 MONTHS. THIS INEXPERIENCE IS SHOWN IN ACCUMULATED PENALTY PAY STATISTICS, ABOVE AVERAGE COST LEVELS AND INEXPERIENCE IN DECISION MAKING ABILITIES.

RECOMMENDATION INCREASE THE L/H DEPARTMENT WITH 4 SUPERVISORS AND 1 ADDITIONAL ADOM.

JUSTIFICATION IF THE ADDITIONAL SUPERVISORY PERSONNEL ARE APPROVED FOR THE CLP L/H DEPARTMENT, THE FOLLOWING WILL BE ACCOMPLISHED:

- A. L/H COSTS WILL BE CONTROLLED AND LOWERED TO ESTABLISHED GOALS OR BELOW ESTABLISHED GOALS.
- B. INCREASED PRODUCTIVITY AND ACCOUNTABILITY IN T/O UTILIZATION: HOSTLER PRODUCTIVITY AND COSTS; AND TRACTOR UTILIZATION.
- C. STABILIZE WORK SCHEDULES TO COVER DAILY SHIFT RESPONSIBILITIES AND ASSIST IN CREATING A WORKABLE FAMILY LIFE ATMOSPHERE FOR FAMILY MEMBERS.
- D. ABSORB THE ADDITIONAL WORK RESPONSIBILITIES AND FUNCTIONS OF THE REGIONAL CONTROL CENTER; INCREASED RESPONSIBILITIES OF EOL GROUP TERMINALS; MONITORING AND INSURING SERVICE PERFORMANCE WITH ALL SENSITIVE ACCOUNTS AND PRIMETIME; DEVELOP AND

Page 1

300064

SERVICE COMMITMENT TO OUR CUSTOMERS.

DICK

..... Message amended by: CMF-MA-CL-JLR JEFF RICE
on: Mon 26-Apr-99 at: 9:50am

PETE.

HERE IS THE JUSTIFICATION WE TALKED ABOUT THIS MORNING

THANKS JEFF RICE

..... Routed on: Mon 26-Apr-99 at: 9:51am
From: CMF-MA-CL-JLR JEFF RICE
To: CMF-MA-00-PJF PETER FERGUSON
CMF-MA-00-GAS GAYLE SCHAFFNER

..... Message amended by: CMF-MA-00-GAS GAYLE SCHAFFNER
on: Mon 26-Apr-99 at: 12:23pm

No bad, but need some hard numbers, i.e., \$ amount this will cost
and how soon we will see the payback. Remember the cost of training
has a big part.

Pete/ga

..... Routed on: Mon 26-Apr-99 at: 12:24pm
From: CMF-MA-00-GAS GAYLE SCHAFFNER
To: CMF-MA-CL-JLR JEFF RICE

..... Message amended by: CMF-MA-CL-JLR JEFF RICE
on: Mon 26-Apr-99 at: 12:32pm

DICK, AS PETE STATED THE COST OF TRAINING WILL PROBABLY
BE ONE THE BIGGEST SAVING AS FOR ALL NEW HIRES 50%
OF THEIR SALARY A YEAR GOES TO TRAINING SO IF WE CAN GET
A COMPLETE TEAM TOGETHER AND NOT LOOSE ANY ONE WE WILL HELP
A LOT ON TRAINING

AND ALSO THE DIFFERENCE IN THE COST ON PENALTY . M&T . HOOKS ON
GOAL VS WHERE WE ARE RIGHT NOW

THIS SHOULD REALLY HELP

JEFF RICE

..... Routed on: Mon 26-Apr-99 at: 12:35pm
From: CMF-MA-CL-JLR JEFF RICE
To: CMF-MA-CL-DCS DICK SKI

..... Routed on: Mon 26-Apr-99 at: 12:39pm

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300065

TO: DICK SKI
 CMF / CRD
 1 CAROLINA WAY
 CARLISLE

PA 17403

CMF-MA-CL-DCS 27-Apr-99 11:32:59

FROM: DICK SKI
 CMF / CRD
 1 CAROLINA WAY
 CARLISLE

PA 17403

CMF-MA-CL-DCS 27-Apr-99 10:39:23

SUBJECT: FIGURES FOR THREE POINT J

CMF-MA-CL-DCS/MA#9709911

TO: JEFF RICE
 cc: PAT CORSON
 From: DICK SKI

CMF-MA-CL-JER
 CMF-MA-CL-PXC
 CMF-MA-CL-DCS

Date: Tuesday 27-Apr-99 at 10:48am

Subject: FIGURES FOR THREE POINT JUSTIFICATION

JEFF, FOLLOWING FIGURES ARE SUBMITTED FOR ADDITIONAL JUSTIFICATION
 OF ADDITIONAL SUPERVISORS:

PENALTY PAY	FIRST QUARTER 1998	FIRST QUARTER 1999	+/
ORIGIN	9518	20915	+11,397
RUNAROUND	2568	5120	+ 2852
TTL PENALTY PAY	54360	77100	+ 26740
MILEAGE	3,367,581	3,217,042	- 150,539

JUST RETURNING TO THE STATISTICS PRODUCED IN THE FIRST QUARTER OF 1998. PENALTY PAY ORIGIN CAN BE REDUCED BY 45M WITH EXPERIENCED L/H SUPERVISORS; RUNAROUNDS CAUSED BY ERRONEOUS ENTRIES OR JUNIOR EMPLOYEES GIVEN A WORK CALL PRIOR TO SENIOR EMPLOYEES BY 11M DOLLARS; AND TOTAL PENALTY PAY CAN BE REDUCED BY ANOTHER 106M DOLLARS IF AN ESTABLISHED L/H TEAM IS IN PLACE AT CLP.

HOSTLING--BASED ON THE ACHIEVEMENT OF 2.08 HOOKS PER HOUR, A PAYROLL SAVINGS OF 71,032 CAN BE ACCOMPLISHED AGAIN, IF THE L/H SUPERVISION IS INCREASED AND STABILITY WITH EXPERIENCE IS DEVELOPED WITHIN THE DEPARTMENT.

TRAINING -- IN 1999, THREE L/H SUPERVISORS HAVE RESIGNED THEIR POSITIONS TO DATE AND IN 1998 A TOTAL OF SIX (6) SUPERVISORS HAVE RESIGNED THEIR EMPLOYMENT. BASED ON A WEEKLY SALARY OF 700.00 DOLLARS, EACH SUPERVISOR WOULD RECEIVE 37M DOLLAR APPROXIMATELY, FOR A YEARLY SALARY. AT 37M DOLLARS TIMES 9 SUPERVISORS WHO HAVE RESIGNED THEIR EMPLOYMENT A TOTAL OF 333M DOLLARS WOULD HAVE

Page 1

300066

BEEN ALLOCATED IN SALARIES OF WHICH 30% TO 50% COULD BE ATTRIBUTED TO TRAINING EXPENSES. THIS TRAINING EXPENSE IS AT THE BEGINNING OF THEIR EMPLOYMENT OR TIME SPENT WITH SUCCEEDING SUPERVISORY PERSONNEL IN THEIR TRAINING AT THE START OF THEIR CAREERS. THIS TRAINING SALARY COULD ALL BE SAVED, ONCE AGAIN, IF WE INCREASE OUR L/H SUPERVISION TO THE REQUESTED NUMBERS. THE TRAINING WILL TAKE PLACE, STABILITY WILL BE ESTABLISHED AND EXPERIENCE WILL BEGIN TO DEVELOP AS SUPERVISORS STAY WITHIN THE EMPLOYMENT OF CF.

WE WILL BE ABLE TO SEE RETURNS ON OUR SUPERVISORY INVESTMENT AS EARLY AS THE FOURTH QUARTER OF 1999 THRU INCREASED HOSTLER PRODUCTIVITY AND REDUCTION OF PENALTY PAY. FULL RETURN ON THE ADDITIONAL L/H SUPERVISORY INVESTMENT WILL BE REALIZED IN THE FIRST QUARTER OF 2000 WHEN THE TRAINING DOLLARS ARE SAVED DUE TO SUPERVISION NOT LEAVING THE RANKS OF EMPLOYMENT DUE TO A WORKABLE ENVIRONMENT.

DICK

* * End of Message * * Printed on 27-Apr-99 at 11:33:06 MA# 9709911

300067

TO: DICK SKI
 CFMF / CPD
 1 CAROLINA WAY
 CARLISLE PA 17403
 FROM: DICK SKI
 CFMF / CPD
 1 CAROLINA WAY
 CARLISLE PA 17403
 SUBJECT: ~~PENALTY PAY ACTION PLAN~~
 CMF-MA-CL-DCS 17-May-99 08:46:44
 CMF-MA-CL-DCS 18-May-99 13:06:58
 CMF-MA-CL-DCS/MA#9927109

TO: MICHAEL MONTGOMERY - EXCH

JEFF RICE

PAT CORSON

FROM: DICK SKI

SUBJECT: ~~PENALTY PAY ACTION PLAN~~

CMF-EX-CC-TOP

CMF-MA-CL-17

CMF-MA-CL-17

CMF-MA-CL-17

IN OUR EFFORTS TO DECREASE PENALTY PAY AT CLP, THE FOLLOWING ACTION PLAN HAS BEEN IMPLEMENTED AT CLP:

1. HIGH TURNOVER OF PERSONNEL - THE LACK OF EXPERIENCE AND LONG TERM SUPERVISORS, IS APPROXIMATELY 11 MONTHS WITH 10 SUPERVISORS EITHER JUST EMPLOYED AND OR HAVING LESS THAN ONE YEAR OF SERVICE. THIS LACK OF EXPERIENCE HAS BEEN IDENTICAL TO THE POLICE DEPARTMENT AND THE CAPABILITY TO REPAIR THE LACK OF EXPERIENCE WITH THE SUPERVISORS. SPECIFIC AREAS OF CONCERN SUCH AS HAND MANAGEMENT, BUDGETING AND GROUP ENTRY LEADS HAVE BEEN IMPLEMENTED. THIS PROCESS WILL BE ONGOING EDUCATIONALLY/TRAINING PROCESS AT CLP.

2. PRE-BRIEF MEETINGS LASTING A COUPLE OF MINUTES WITH VARIOUS HOSTERS AND SUPERVISORS.

3. PRE-BRIEF MEETINGS LASTING A COUPLE OF MINUTES WITH VARIOUS HOSTERS AND SUPERVISORS.

4. PRE-BRIEF MEETINGS LASTING A COUPLE OF MINUTES WITH VARIOUS HOSTERS AND SUPERVISORS.

5. PRE-BRIEF MEETINGS LASTING A COUPLE OF MINUTES WITH VARIOUS HOSTERS AND SUPERVISORS.

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MAINTAINED FOR A SHIFT. CHECKED AND MONITORED FOR SHIFT
PRODUCTIVITY AND INDIVIDUAL HOSTLER ACCOUNTABILITY.

E. UTILIZE SUPERVISORY PERSONNEL AS YARD COORDINATORS DURING HIGH
VOLUME PERIODS OF YARD ACTIVITY.

Page 5

F. MOVEMENT OF THE DISPATCH OPERATIONS TO THE SECOND FLOOR OF THE
LIVESTOCK BUILDING (COMPLETION DATE JUNE 30, 1999). THIS WILL
IMPROVE OBSERVATION OF THE YARD ACTIVITY AND ENHANCE PRODUCTIVITY.
G. INCREASE THE USAGE OF HAND HELD RADIOS FOR COMMUNICATIONS BETWEEN
THE YARD HOSTLER AND SUPERVISOR. HAVE SIX RADIOS IN USE WITH AN
ADDITIONAL 6 BATTERIES FOR EXTENDED RADIO USAGE.

BY RETURNING TO THE BARRACKS, ESTABLISHING A PLAN AND DETERMINING THAT PLAN
WILL PRODUCE A DOWNWARD TREND IN PENALTY PAY AT CLP. HOWEVER, NO SUPERVISOR
KNOWS THE IMPORTANCE OF REDUCING PENALTY PAY AT CLP. ATTEMPTING TO CREATE LONGEVITY AND EXPERIENCE AMONG SUPERVISORS HAS
BEEN THE GREATEST CHALLENGE FACED AT CLP. IF WE ARE SUCCESSFUL IN
HAVING FIVE ADDITIONAL SUPERVISORY PERSONNEL, THAT WILL BE A MAJOR
IMPROVEMENT. DESPITE ALL THAT, EXPERIENCE AMONG SUPERVISORS
WILL BE A MAJOR IMPROVEMENT. THE ASSIGNED GOAL OF 10% REDUCTION IN
PENALTY PAY AT CLP.

101 005-00-01-0001 0000 000000

STOP 10/1/99

300069

CFMF / CPM

1 CAROLI

CARLISLE

PA 17403

FROM: KEN SWEZEY

CMF-MA-CL-KCS 23-May-99 17:35:15

CFMF / CPD

SUBJECT: Fwd: SHCEDULE WHOAS

CMF-MA-CL-KCS/MA#99S497A

To: PAT CORSON

From: KEN SWEZEY

Date: Sunday 23-May-99 at 4:54pm

Subject: SCHEDULE WHOAS

CMF-MA-CL-KCS

CMF-MA-CL-KCS

I HAVE TALKED TO ALL MEMBERS OF THIS COMMITTEE ABOUT THE SCHEDULE. NO ONE HAS ANYTHING BETTER TO OFFER. WE HAVE ALL LEARNED JUST HOW SHORT OF PEOPLE WE ARE. HOWEVER THERE ARE SOME CONCERNS THAT HAVE BECOME COMPLAINTS FROM THE TEAM. USE OF BANK DAYS---WHEN A TEAM MEMBER IS WORKING DAYS AND HAS TO WORK A BANK DAY IT IS A NIGHT SHIFT AND VICE-VERSA. EXAMPLE WOULD BE YOU ARE ON DAY SHIFT AND YOUR OFF DAYS ARE WED AND THURS. YOU GET A BANK DAY ON WED NIGHT WHICH IS RIGHT IN THE MIDDLE OF YOUR TIME OFF. ANOTHER COMPLAINT IS TO MANY PEOPLE ON A SHIFT. EXAMPLE--ON A DAY WHEN TOM HESS IS THE PLANNER AND LLOYD COMES IN AT 1400 WE ONLY NEED 2 OTHER PEOPLE HERE--THIS IS MOSTLY DURING THE WEEK AND ON DAYSHIFT---SAME THING CAN APPLY TO NIGHT SHIFT DURING THE WEEK WHEN LLOYD IS HERE AND PAT COMES IN AT MIDNIGHT--YOU ONLY NEED 3 PEOPLE BESIDES PAT/LLOYD DURING THE WEEK--..THIS WAS VERY FRUSTRATING FOR ME BECAUSE I ALSO FOUND OUT WE HAVE 2 PEOPLE VERY CLOSE TO RESIGNING! IN NERCC AND 1 IN THE DISP OFFICE WHICH WILL JUST COMPOUND THE PROBLEM CAN'T EVEN BEGIN TO PLAN A NEW SCHEDULE IF WE ARE ABOUT TO HAVE 2 LEAVE. SORRY THIS IS NOT MUCH HELP--BUT WE HAVE PUSHED THIS GROUP OF PEOPLE AS FAR AS POSSIBLE. MORAL IS IN TOILET AND EVERYONE BURNED OUT. HAVE NUTHING ELSE TO OFFER EXCEPT WHAT WE ALL ALREADY KNOW--WE NEED HELP AND WE NEED TO MAKE THIS SCHEDULE WORKABLE SO PEOPLE WILL STAY WITH THIS COMPANY. UNTIL THIS HAPPENS THIS IS AS GOOD AS THINGS GET-----KEN SWEZEY

***** Routed on: Sun 23-May-99 at: 5:36pm
 From: CMF-MA-CL-KCS KEN SWEZEY
 To: CMF-MA-CL-PXC PAT CORSON

***** Routed on: Sun 23-May-99 at: 6:46pm
 From: CMF-MA-CL-PXC PAT CORSON
 To: CMF-MA-CL-CD1 CPD1 PRINTER

CICS Printer

***** Routed on: Sun 23-May-99 at: 7:41pm
 From: CMF-MA-CL-PXC PAT CORSON
 To: CMF-MA-CL-KCS BICK SKI

Page 1

300070

TO: DICK SKI CMF-MA-CL-DCS 24-Jan-00 12:12:29
 CMF / CLP
 1 CAROLINA WAY
 CARLISLE PA 17403

FROM: JEFF RICE CMF-MA-CL-JLR 24-Jan-00 12:39:01
 CMF / CLP

SUBJECT: Fwd: PROFITS CMF-MA-CL-DCS/MA#0169600

To: JEFF RICE CMF-MA-CL-JLR
 From: DICK SKI CMF-MA-CL-DCS
 Date: Monday 24-Jan-00 at 12:29pm
 Subject: PROFITS

did the december profits come out yet??

if they did, can i get a copy from you please

any word about kcy????

sick

***** Message amended by: CMF-MA-CL-JLR JEFF RICE
 on: Mon 24-Jan-00 at: 12:39pm

AFTER I TURNED IT DOWN, WARNER CALLED ME AGAIN AND ASKED ME,

THEN I TOOK THE WEEKEND TO THINK ABOUT IT, THEN I SAY I WOULD

GO, BUT NOW THERE IS A LOT POLITICS GOING ON, AND YOU KNOW

ABOUT THAT, BUT RICH IS RUNNING THE KCY/SLM DIV AT THE PRESENT
 TIME.

NOTHING ON THE PROFITS YET, THEY ARE FIXING THE NUMBERS.

TALK TO YOU LATER

***** Routed on: Mon 24-Jan-00 at: 12:46pm

From: CMF-MA-CL-JLR JEFF RICE
 To: CMF-MA-CL-DCS DICK SKI

***** Routed on: Mon 24-Jan-00 at: 1:12pm
 From: CMF-MA-CL-DCS DICK SKI

300071

COPY

Exh E

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD C. WOJEWODZKI,
PLAINTIFF

VS

CONSOLIDATED FREIGHTWAYS, INC.,
DEFENDANT

:
:
:
:
:
:
:

NO. 1:CV01-285

DEPOSITION OF: JAMES M. KOT

TAKEN BY: PLAINTIFF

BEFORE: SHERRY BRYANT, RMR, CRR
NOTARY PUBLIC

DATE: JANUARY 8, 2002, 1:06 P.M.

PLACE: MORGAN, LEWIS & BOCKIUS
417 WALNUT STREET
HARRISBURG, PENNSYLVANIA

APPEARANCES:

MARKOWITZ & KREVSky, P.C.
BY: LAWRENCE S. MARKOWITZ, ESQUIRE

FOR - PLAINTIFF

MORGAN, LEWIS & BOCKIUS
BY: VINCENT CANDIELLO, ESQUIRE

FOR - DEFENDANT

1 A Can I call him Dick Ski?

2 Q Sure.

3 A Okay. Dick Ski had a management style that
4 was difficult to deal with at times. He was very stubborn
5 and he was hard-headed and lacked what I called leadership
6 capacity.

7 Q Can you describe what you mean by lacking
8 leadership capacity?

9 A To me a manager and a leader is someone who
10 can motivate the people to do a job without necessarily
11 threatening them, but by guiding them and directing them.

12 Q Would he threaten people?

13 A Occasionally.

14 Q Did you ever discuss your personal opinion
15 with any of the other line haul supervisors?

16 A Not that I can recall.

17 Q Did you ever hear any of the other line haul
18 supervisors express some of the same criticisms that you've
19 just expressed?

20 A Not that I can specifically recall.

21 Q At some point did you learn that your job was
22 going to change?

23 MR. CANDIELLO: Objection to the form of the
24 question, use of the word "change." You may answer if you
25 understand the question.

1 A In I think late -- sometime August or maybe
2 early September of 1999 I was asked by the group operation
3 manager, Jeff Rice, if I would be interested in being
4 considered to manage the line haul operation.

5 BY MR. MARKOWITZ:

6 Q Which was Dick Ski's job?

7 A Yes.

8 Q And when Mr. Rice approached you about that,
9 what was your answer?

10 A My answer was yes, I would like to interview
11 and be considered.

12 Q Did you interview for the position?

13 A Yes, I did.

14 Q Who did you interview with?

15 A I initially interviewed with Jeff Rice and had
16 a subsequent interview with Mark Bunte.

17 Q To your knowledge, who else was interviewed
18 for the position?

19 A I didn't have specific knowledge who exactly
20 else was interviewed for the position.

21 Q Do you know if anyone else was interviewed for
22 the position?

23 A I do not know if anybody was formally
24 interviewed for the position.

25 Q What was discussed with you at the

1 interview -- first I guess we ought to set this up. You said
2 you interviewed with Jeff Rice and Mark Bunte. Were these
3 separate interviews or at the same time?

4 A They were separate interviews.

5 Q Who did you interview with first?

6 A Jeff Rice.

7 Q Tell me what was discussed at that interview.

8 A I can't specifically remember the exact
9 questions or the exact comments or the exact discussions. I
10 didn't take notes and it was three years ago.

11 Q So there's nothing at this point that you can
12 recall what was discussed?

13 MR. CANDIELLO: Objection to the form of the
14 question. You're asking him now if he recalls the substance
15 of the interview at all?

16 BY MR. MARKOWITZ:

17 Q Let's do this this way: Is there anything
18 that you can recall being discussed at the interview with
19 Jeff Rice?

20 A The -- in that discussion, it was conveyed to
21 me that there were problems in the line haul operation in
22 regards to morale and to turnover and to lack of leadership.
23 And I think I was asked how I would approach those type
24 problems and what I would do to remedy the situation.

25 Q What did you respond?

1 to 1999.

2 And in November 1999, I resigned from
3 Transcorps and that's when I was looking for a job. In
4 November of 1998, I left Transcorps and was looking for a job
5 and started to work for CF in '99, January '99.

6 BY MR. MARKOWITZ:

7 Q How long did your interview with Mr. Bunte
8 last?

9 A We had breakfast and it lasted for
10 approximately an hour.

11 Q After your interview with Mr. Bunte, were
12 there any further interviews?

13 A No.

14 Q At some point were you offered the job of --
15 well, were you offered a promotion?

16 A Yes.

17 Q How long was that after your meeting with Mr.
18 Bunte?

19 A It was the next day.

20 Q And what was the name of the job that you were
21 being promoted to?

22 A Regional dispatch manager.

23 Q Are you still in that position?

24 A No. I am now the assistant terminal manager
25 for Consolidated Freightways in Carlisle.

1 Q What did you do as regional dispatch manager,
2 what were your job duties?

3 A As the regional dispatch manager, it was my
4 responsibility to oversee the regional control center that
5 was part of the line haul operation, and I was given the
6 responsibility of developing greater rapport and
7 communication with the terminals that make up the group and
8 coordinate their drivers and the drivers going in and out of
9 their terminals from Carlisle, to improve service and reduce
10 cost.

11 Q So you were, as regional dispatch manager,
12 just handling the New England and New York area; is that
13 correct?

14 A No. It would have included all the terminals
15 that -- there's 43 terminals that run from Richmond, Virginia
16 up through Bangor, Maine and over to Buffalo, New York, and
17 down to Roanoke, Virginia. So it actually covers that whole
18 area, which would have included the New England terminals and
19 New York state terminals, the Pennsylvania terminals, New
20 Jersey terminals, Delaware terminals, Virginia and West
21 Virginia terminals and Maryland terminals.

22 Q Was there a regional district manager before
23 you?

24 A No.

25 Q So this was a newly created position?

1 A Yes. He and I are both assistant terminal
2 managers in charge of a very large dock operation.

3 Q And both of you report to Mr. Rice?

4 A Yes.

5 Q What is your date of birth?

6 A 6/17/49.

7 MR. MARKOWITZ: I believe that's all the
8 questions I have.

9

10 CROSS-EXAMINATION

11

12 MR. CANDIELLO: Let's have this marked as Kot
13 Deposition Exhibit 1.

14 (Employee change notification 7/14/99 marked
15 as Kot Exhibit Number 1.)

16 BY MR. CANDIELLO:

17 Q My only question for you, Mr. Kot, is have you
18 seen this before?

19 A No.

20 Q Let's take a look at some of the information
21 here. On the right-hand side, just inside the border, the
22 outside border of the entire document, there is an entry
23 called first day worked 1/25/99. Do you see that?

24 A Yes.

25 Q Does that refresh your recollection when you

EMPLOYEE CHANGE NOTIFICATION

2
EXHIBIT

TODAY'S DATE 07/14/1999	COMPANY NAME Consolidated Prrvys Co of DE	EMPLOYEE # 00187
ISSN # 078-42-2981		

COMPUTER PRINT SECTION				HAND PRINT SECTION			
NAME/LAST Kot	MI K	LEGAL FIRST NAME James		NAME/LAST KOT	MI M	LEGAL FIRST NAME JAMES	
ADDRESS LINE 1 7 Westwood Ct				ADDRESS LINE 2 7 WESTWOOD CT			
CITY York	STATE PA	ZIP CODE 17402		CITY YORK	STATE PA	ZIP CODE 17402	
HOME PHONE 078422881	SEX M	MARITAL STATUS Married	FIRST DAY WORKED 01/25/1998	HOME PHONE 3	SEX M	MARITAL STATUS M	FIRST DAY WORKED 1/25/99
ACTION/REASON CODE MUST BE SHOWN HERE				ACTION/REASON CODE Promo			
REFER TO MIDS SCREEN '130C' FOR INSTRUCTIONS ON ACTION REASONS							
UNIT 30	DEPT/LOC CLP/CLP	JOB CODE 2172	JOB TITLE LineSpv I	UNIT	DEPT/LOC	JOB CODE	JOB TITLE
PHYSICAL LOCATION OF EMPLOYMENT - If other than dept/loc				PHYSICAL LOCATION OF EMPLOYMENT - If other than dept/loc			
EMP STATUS Regular / Full-time				EMP STATUS <input type="checkbox"/> RETURNING TO WORK <input type="checkbox"/> TO REG. FULL TIME <input type="checkbox"/> TO REG. PART TIME <input type="checkbox"/> TO SUPPLEMENTAL <input type="checkbox"/> TO LIGHT DUTY			
HOURLY RATE/WEEKLY SALARY 1,030.00		MILEAGE RATE		NEW HOURLY RATE/WEEKLY SALARY 1355.00/WK		NEW MILEAGE RATE	
UNION/LOCAL #		UNION SEN. DATE		UNION LOCAL #		UNION SEN. DATE	
COMPANY AUTO #		O/L EXP. DATE		COMPANY AUTO #		O/L EXP. DATE	
ANNIVERSARY DATE 01/25/1999		LAST DAY WORKED		ANNIVERSARY DATE		LAST DAY WORKED	
EXPECTED RETURN DATE		PHYSICAL EXAM EXP. DATE		EXPECTED RETURN DATE		PHYSICAL EXAM EXP. DATE	
LOCAL TAX Workers Comp Carlisle Borough Carlisle Borough				DEDUCT CITY TAX? <input type="checkbox"/> YES <input type="checkbox"/> NO NAME OF CITY		DEDUCT COUNTY TAX? <input type="checkbox"/> YES <input type="checkbox"/> NO NAME OF COUNTY	
				DEDUCT SCHOOL TAX? <input type="checkbox"/> YES <input type="checkbox"/> NO SCHOOL DIST NAME/NO.			

FINAL VACATION PAY:		SALARIED		SALARIED	
HOURLY - SUBMIT FORM 00481-30		SHOW AMT USED SINCE JAN. 1		BANKED DAYS DUE	
REMARKS Has Been Promoted To Regional Dispatch Manager And Will be Replacing Dick Sli					
APPROVALS					
SIGNATURE Jeffrey L. Qui		DATE 9/13/99			
SIGNATURE		DATE		SIGNATURE	
SIGNATURE		DATE		SIGNATURE	
IF FEDERAL AND/OR STATE TAX WITHHOLDING STATUS IS DESIRED, COMPLETE W/ WITHHOLDING STATEMENT AND FORWARD TO PATROLL					

PLACE PHOTOCOPY OF COMPLETED FORM IN EMPLOYEES PERSONNEL FILE

EXHIBIT
Kot 1
1-802 SS

COPY

Exh F

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD C. WOJEWODZKI,
PLAINTIFF

VS

CONSOLIDATED FREIGHTWAYS, INC.,
DEFENDANT

NO. 1:CV01-285

DEPOSITION OF: PATRICK W. CORSON

TAKEN BY: PLAINTIFF

BEFORE: SHERRY BRYANT, RMR, CRR
NOTARY PUBLIC

DATE: JANUARY 8, 2002, 1:40 P.M.

PLACE: MORGAN, LEWIS & BOCKIUS
417 WALNUT STREET
HARRISBURG, PENNSYLVANIA

APPEARANCES:

MARKOWITZ & KREVSky, P.C.
BY: LAWRENCE S. MARKOWITZ, ESQUIRE

FOR - PLAINTIFF

MORGAN, LEWIS & BOCKIUS
BY: VINCENT CANDIELLO, ESQUIRE

FOR - DEFENDANT

1 period of five months to assist in the expansion of that
2 terminal. I went back to Carlisle in the previous capacity I
3 was there, basically as an assistant to the assistant
4 terminal manager for another two months. Then I joined a
5 profit restoration team and took a job traveling and have
6 been traveling up until the last month since the beginning of
7 2000.

8 So for approximately 11 and a half months I
9 was on the team called the CF Pride team and worked in three
10 other -- four other CF locations prior to returning to
11 Carlisle as the assistant terminal manager, one of the
12 assistant terminal managers about three weeks ago.

13 Q On the line haul or the dock side?

14 A On the dock side.

15 Q At some point did you work closely with Dick
16 Ski?

17 A Yes. I was Dick's assistant when I went from
18 being a dispatch supervisor to the assistant dispatch
19 operations manager.

20 Q As the assistant dispatch operations manager,
21 what were your job duties?

22 A Primarily in the capacity we were in at the
23 time, I was to oversee the nighttime operation and make sure
24 that everything necessary at night got done.

25 Q Did you have any involvement in recruiting?

1 A No, not that I remember at that time.

2 Q So basically, you would work the nights while
3 Dick would work during the day, is that what would happen?

4 A Yes. I would -- probably the last hour to two
5 hours he was there. Sometimes I would stay a little bit
6 later, I would be there with him during the day, but I
7 generally worked opposite him.

8 Q Were you involved in scheduling in any way?

9 A No.

10 Q Who would do all the scheduling?

11 A Dick, Dick did the supervisor scheduling.

12 Q Was that ever a source of contention, the
13 supervisors' schedules?

14 MR. CANDIELLO: Objection to the form of the
15 question. When he was the ADOM?

16 BY MR. MARKOWITZ:

17 Q Yes, when you were the ADOM.

18 A Could you pinpoint that a little more?

19 Q Sure. Were the line haul supervisors ever
20 upset with how the scheduling was being done when you were
21 the ADOM?

22 A Yes.

23 Q What was their beef with it?

24 A There was a discrepancy where they felt they
25 worked more than the supervisors on the dock side. Also, the

1 schedule was not always prepared long enough in advance or
2 there were changes that occurred without much notice to them
3 for when they would be working.

4 Q In your opinion, was there any legitimacy to
5 their complaints?

6 MR. CANDIELLO: Objection to the question.
7 You may answer.

8 A In my opinion?

9 BY MR. MARKOWITZ:

10 Q Yes, yes.

11 A From a quality of life standpoint, yes.

12 Q What was going on that from a quality of life
13 standpoint you thought was a problem?

14 A Them being able, because of the changes made
15 to the schedule and the short notice at times for them to be
16 able to plan their off time.

17 Q How much in advance were the schedules
18 actually posted?

19 A Honestly, that varied. There were times I can
20 recall, and I don't know if I could separate it in my mind to
21 just that time frame, but I will try to, there were times
22 that it would be up maybe 60 days in advance. There were
23 times that it would only be up a week prior to the end of the
24 month. The schedule for the next month would only be up a
25 week prior to the beginning of the next month.

1 Q How did that work out?

2 A I believe it improved the situation. I don't
3 think it got us where we needed to be, but it had helped.

4 Q To this day, has that situation resolved
5 itself or are there still difficulties in communication
6 between the dock and the line haul people about getting
7 shipping off in a timely manner?

8 MR. CANDIELLO: Objection to form, no
9 foundation. You may answer.

10 A At the present time, I haven't been back long
11 enough to answer that I don't think. I know it had become
12 quite a bit better at one time. It is my understanding now
13 that there are some problems, but I haven't been able to look
14 into them at this time.

15 BY MR. MARKOWITZ:

16 Q Was something done that made it become quite a
17 bit better at some time?

18 A The turnover of supervisors in the dispatch
19 office, their experience level increased, and I believe that
20 that helped quite a bit.

21 Q And turnover decreased, I assume you're
22 saying?

23 A Yes.

24 Q When you were ADOM, what was the level of
25 turnover like for the line haul supervisors?

1 A It was very high. I don't have any specific
2 numbers, but people did not stay very long, new people.

3 Q Do you have an understanding as to why that
4 was happening?

5 A Morale in the office was pretty bad, and
6 scheduling issues weren't very -- the schedule wasn't very
7 attractive to new people coming in.

8 Q From what you could observe, what was the
9 reason that morale was bad?

10 A There was quite a bit of, quite a bit of
11 tension, a lot of pressure, which there is in any dispatch
12 operation, but even more so, just very tense and loud
13 atmosphere.

14 Q Did you observe anything that made it
15 especially tense there?

16 A There was a lot of pressure on timeliness,
17 dispatching of loads, and at the same time on a reduction of
18 penalty pay.

19 Q Who was applying that pressure?

20 A Dick was.

21 Q Was anyone else?

22 A I was at night.

23 Q Was Jeff also applying that pressure?

24 A Not internal to that operation, no.

25 Q Was Jeff applying that pressure on Dick and

1 A Yes. But, as I say, that not necessarily in a
2 harsh way, just that I would agree that two things. I was
3 concerned that Dick's fuse was too short with some of our
4 supervisors, particularly the newer ones with less
5 experience, out of frustration, which I understood, but --
6 and the other would be, although not to the extent of Steve,
7 that yes, there were some changes that needed to occur to
8 make us more successful and that we didn't seem to be moving
9 in that direction and as quickly as we should.

10 Q Did you ever hear Jeff criticize Dick's
11 performance?

12 A I don't know that criticize is the word, but
13 there was concern on his part as well that we weren't moving
14 as quickly as we needed to in the direction that people felt
15 the department needed to go.

16 Q Did you ever hear Pete Ferguson comment on
17 Dick's job performance?

18 A No.

19 Q When did you learn that Dick was being
20 transferred to Norristown?

21 A I didn't know until he got there.

22 Q When Dick was sent to Norristown, did your job
23 change, your job title?

24 A The title -- yes, the title, job title
25 changed.

1 Q What was the change in the job title?

2 A It changed to dispatch operations manager.

3 Q What was the difference in what you did as
4 dispatch operations manager as opposed to your previous job?

5 A I primarily did most of the same things. I
6 may not have always been there. Where I had typically always
7 been there at night, sometimes I was there during the day,
8 depending on when it was needed. I set my own schedule, more
9 or less. I did take over signing some of the paperwork and
10 working with the secretary on some of the administrative
11 work, but other than that I made mostly the same decisions
12 that I'd made prior to.

13 Q Did you take over any of Dick's duties when
14 you got the DOM job?

15 MR. CANDIELLO: Objection to the form.

16 BY MR. MARKOWITZ:

17 Q You may answer.

18 MR. CANDIELLO: You may answer.

19 A With the exception of the signing of the
20 paperwork and being there probably more, I made more local
21 decisions because I was there more, but my job didn't change
22 drastically.

23 BY MR. MARKOWITZ:

24 Q Who did you report to after Dick left?

25 A Jim Kot.